

FEDERAL REGISTER



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Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 83—DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY

REVISION OF REGULATIONS

Sections 83.701 to 83.781, as published in the FEDERAL REGISTER 20 July 1943 (8 F.R. 9929) constitute a complete revision of the regulations contained therein and all sections previously published under this series of section numbers are superseded thereby.

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-15037; Filed, September 15, 1943; 9:39 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Am. 61-12, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

TAKE-OFF FROM FIELDS NOT DESIGNATED AS AIRPORTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 8th day of September 1943.

Effective November 8, 1943, § 61.7211¹ of the Civil Air Regulations is revoked.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-15047; Filed, September 15, 1943; 10:39 a. m.]

¹The take-off provided for by this section is no longer permitted. See § 61.23.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3293—CHEMICALS¹

[Supplementary Order M-18-b, as Amended September 6, 1943]

CHROMIUM

Section 3293.41¹ *Supplementary Order M-18-b* is hereby amended to read:

S 3293.41 Supplementary Order M-18-b—(a) Definitions. (1) "Primary chromium chemicals" means sodium bichromate, potassium bichromate, sodium chromate, potassium chromate, ammonium bichromate, chromic acid, and all chromium tanning compounds.

(2) "Dealer" means any person who buys primary chromium chemicals for the purpose of resale as such.

(3) "Consumer" means any person who uses primary chromium chemicals.

(b) *Delivery restrictions.* On or after October 1, 1943, no person shall deliver or accept delivery of primary chromium chemicals except as specifically authorized in writing by War Production Board.

(c) *Exception for small quantities.* Specific authorization in writing of War Production Board is not required for:

(1) Any person to accept delivery in any calendar month from all sources of an aggregate quantity of primary chromium chemicals not exceeding the following:

(i) 4,000 pounds of sodium bichromate or its equivalent in chromium tanning compounds, and

(ii) 500 pounds of each of the following: sodium chromate, potassium bichromate, potassium chromate and ammonium bichromate, and

(iii) 800 pounds of chromic acid:

Provided, however, That no person shall in any calendar month under this para-

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¹Formerly Part 949, § 949.3.

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graph (c) (1) accept delivery of more than 100 pounds of any primary chromium chemical unless he has submitted to each supplier a certificate substantially in one of the following forms (whichever is appropriate), signed by an authorized official, either manually or as provided in Priorities Regulation No. 7:

Consumer's Certification

The undersigned hereby certifies to War Production Board that he is familiar with Order M-18-b and that acceptance of delivery of the chromium chemicals listed on his purchase order dated * * * will not increase (1) his total receipts during the calendar month in which delivery is requested in excess of the amounts he is entitled to receive under paragraph (c), and (2) his inventory of such chemicals in excess of one-third of his total consumption of such chemicals during the previous ninety days.

Dealer's Certification

The undersigned hereby certifies to War Production Board that he is familiar with Supplementary Order M-18-b and that acceptance of delivery of the chromium chemicals listed on the purchase order dated * * * will not increase (1) his total receipts during the calendar month in which delivery is requested in excess of the amounts he is entitled to receive under paragraph (c), and (2) his inventory of such chemicals in excess of one-sixth of his total sales of such chemicals by weight during the previous 180 days.

(2) Any person to deliver to any other person a quantity which he is entitled to accept in any one calendar month (in no case more than the quantities referred to in subdivisions (i), (ii) and (iii) of paragraph (c) (1). *Provided*, That a supplier shall not deliver more than 100 pounds of any primary chromium chemical to any person in any calendar month, unless that person has filed with him a certificate substantially in one or the other of the two forms specified in paragraph (c) (1). A supplier may not deliver primary chromium chemicals when he knows or has reason to believe the certificate furnished him is false, but in

the absence of such knowledge or reason to believe, he may rely on it.

(d) *How the purchaser obtains authorization.* Each consumer who requires authorization to accept delivery of primary chromium chemicals shall file with the Chemicals Division, War Production Board, three copies of Form WPB 2945 (formerly PD-600) on or before the 10th of the month before the calendar month in which delivery is requested. The form due on September 10, 1943, however, may be filed on or before September 20, 1943. In addition, he must also send one copy of this form to his supplier. Each dealer who requires authorization to accept delivery will file Form WPB 2945 on or before the 15th of the month before the calendar month in which delivery is requested. The form due on September 15, 1943, however, may be filed on or before September 20, 1943. Instructions for filling out this form are set forth in Appendix A. This constitutes his request for authorization to receive delivery. One copy of Form WPB 2945 will be returned to the purchaser on which the War Production Board will indicate the quantity of primary chromium chemicals which may be accepted. This constitutes his authorization to purchase.

(e) *How the seller obtains authorization.* Each person who requires authorization to deliver primary chromium chemicals shall file three copies of Form WPB 2946 (formerly PD-601) with the Chemicals Division, War Production Board, on or before the 20th day of the month prior to the calendar month in which delivery is requested. The form due on September 20, 1943, however, may be filed on or before September 25, 1943. Instructions for filling out this form are set forth in Appendix A. This constitutes the seller's request for authorization to deliver. One copy of Form WPB 2946 will be returned to the seller on which War Production Board will indicate the quantities of primary chromium chemicals which may be delivered. This constitutes his authorization to sell.

(f) *Discontinuance of Form PD-54.* After October 1, 1943, it is no longer necessary to file Form PD-54.

(g) *Over-riding WPB directives.* The War Production Board may at any time issue special directives to any person with respect to the production, use or delivery of primary chromium chemicals notwithstanding the other provisions of this order.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing

or using, material under priority control and may be deprived of priorities assistance.

(j) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-18-b.

Issued this 14th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS FOR FILING FORM
WPB 2945¹ (FORMERLY PD-600)

CONSUMERS

1. Copies may be obtained at local field offices of the War Production Board.

2. Follow the general instructions on the form except where they conflict with specific instructions contained here.

3. A separate form should be filed for (a) each consuming plant where delivery is to be made; (b) each supplier from whom the purchase will be made; (c) each primary chromium chemical requested.

4. Column 3. Do not fill in.

5. Column 4. Indicate specifically the use of the primary chromium chemical requested. Use classifications of primary chromium chemicals should be indicated as follows:

- a. Tanning.
- b. Pigment manufacture.
- c. Chromic acid manufacture.
- d. Surface treatments of metals.
- e. Chromium plating.
- f. Textile processing.
- g. Chemical and dye manufacture.
- h. Corrosion prevention in brines, etc.
- 1. Metal alloys.
- j. Other (specify).

Opposite each use classification show the amount required for military, Lend-Lease, civilian, export, other (specify).

Thus, if 100 pounds sodium bichromate are needed for tanning leather of which 50 per cent is for the Army and 50 per cent for civilian needs, the use classification would be "tanning—50 per cent military, 50 per cent civilian." "Military" means that the particular primary chromium chemicals are to be incorporated into products to be delivered to the Army, Navy, Coast Guard or Maritime Commission.

6. Table IV. (Back page) Columns 20, 21, 22. Do not fill in.

DEALERS

7. Form WPB 2945 should be filed for their requirements of primary chromium chemicals. Indicate the total amount needed for ultimate delivery to consumers who have filed Form WPB 2945. Dealer should also show the total amount of each chromium chemical requested by him for ultimate delivery to consumers under the "Small order exception" provision of this Order M-18-b as well as the amount requested by them for inventory purposes. Thus the dealer should break down his request for each primary chromium chemical which he needs into three separate groups. No break down by use classification is required. In addition to the filing of this Form WPB 2945, the dealer is also obliged to file Form WPB 2946. (See Instructions below).

8. Foreign shipments other than Lend-Lease: Form WPB 2945 may be submitted by the exporter on behalf of the foreign purchaser. The form should show the country

of destination, the proposed use, and name and location of foreign purchaser.

SUPPLIERS

1. Copies may be obtained at local field offices of War Production Board.

2. Suppliers should file separate forms for each plant or warehouse from which deliveries are to be made. It is not necessary to file a separate form for each primary chromium chemical. However, the particular primary chromium chemical scheduled for delivery to customers should be designated in Column 3.

3. Follow general instructions on form except where they conflict with the specific instructions contained herein.

4. Show the total amount of each primary chromium chemical scheduled for shipment in exempted quantities.

[F. R. Doc. 43-15018; Filed, September 14, 1943; 4:02 p. m.]

PART 3175—REGULATIONS APPLICABLE TO
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5 as Amended Sept. 13, 1943]

MAINTENANCE, REPAIR AND OPERATING
SUPPLIES

§ 3175.5 *CMP Regulation 5—(a) Purpose and scope.* (1) The purpose of this regulation is to provide a uniform procedure for obtaining maintenance, repair and operating supplies, both in the case of controlled materials obtained by use of allotment symbols under the Controlled Materials Plan and in the case of materials or products obtained by preference ratings. Persons requiring maintenance, repair and operating supplies, in any form, in such quantities as are available from warehouses or distributors under CMP Regulation No. 4, or at retail without preference ratings or allotments, may obtain the same without using the procedure provided in this regulation, but subject to all applicable limitations in War Production Board regulations and orders.

(2) The provisions of this regulation shall not apply to any governmental agency (other than Claimant Agencies) or to any institution, as the same are defined in paragraphs (b) (1) and (b) (2) of CMP Regulation No. 5A, regardless of whether it is engaged in the production of any product or in any activity or service listed in any schedule attached to this regulation or not. Procedures for the obtaining of maintenance, repair and operating supplies by such governmental agencies and by such persons and institutions are provided under CMP Regulation No. 5A. This regulation is also inapplicable to certain purchases by Claimant Agencies or for export as more fully provided in paragraph (g).

(3) The provisions of this regulation shall be available to those persons in the Dominion of Canada who may, on application by the Department of Munitions and Supply, Ottawa, Canada, be authorized by the War Production Board to operate under it subject to such conditions as may be set out in the authorization. Any person in Canada receiving such authority shall use the following certification instead of any certification prescribed in this regulation, and shall

not use the alternative form of certification prescribed in CMP Regulation No. 7:

The undersigned purchaser certifies, subject to the penalties of Section 15 of the Canadian Wartime Industries Control Board Regulations, to the seller, to the Canadian Priorities Officer, and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized, under applicable Canadian Orders and under applicable War Production Board Regulations or Orders, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

(b) *Definitions.* The following definitions shall apply for the purpose of this regulation, and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition, and "repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided*, That neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design, except as provided in paragraph (b) (3) of this regulation.¹

(2) "Operating supplies" means any materials or products which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

The terms shall also include such items as hand tools purchased by the employer for sale to his employees for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge.²

(3) Minor capital additions may be obtained under the procedures provided for in this regulation for obtaining maintenance, repair and operating supplies where the cost of the minor capital addition does not exceed \$500 (excluding the purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes

¹ See also Interpretation No. 8: Repairs which are capitalized must be treated as capital additions.

² See also: Interpretation No. 4: Material for the manufacture of containers is a production material; Direction No. 2: Steel shoe wire is to be treated as an operating supply; Direction No. 4: Stitching wire is to be treated as an operating supply; Direction No. 7: Welding rod is not an operating supply when used in manufacturing; Direction No. 9: Employees may use their employer's rating to buy hand tools and (Direction 11) safety equipment.

¹ Form WPB 2945 and WPB 2946 have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph, and where the capital addition involves construction, authorization to construct must be obtained to the extent required by Conservation Order L-41 or by any other applicable order or regulation of the War Production Board.²

(4) Production materials required by a manufacturer for physical incorporation in his products, which products he sells for use as maintenance, repair or operating supplies, may be obtained as provided in CMP Regulation No. 1 and in CMP Regulation No. 3, and such production materials shall not be deemed maintenance, repair or operating supplies, as to such manufacturer.

(c) *Controlled materials*—(1) *Steel and copper*. Subject to the quantity restrictions contained in paragraph (f) of this regulation, any person engaged in the business of producing any product or conducting any business listed in Schedule I or II, requiring delivery after March 31, 1943, of any controlled material, except aluminum, for maintenance, repair or operating supplies in the conduct of such business,³ may obtain the same by placing on his delivery order substantially the following certification (or the alternative form of certification provided in CMP Regulation No. 7), signed manually or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO—(P order No. —)—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the controlled materials covered by this order are required for essential maintenance, repair or operating supplies, to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5 and that delivery thereof will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

When the person making such certification is covered by any order in the "P" series he shall also show, in the space indicated, the number of such "P" order.

An order bearing such certification shall constitute an authorized controlled material order.

(2) *Aluminum*. Any person engaged in the business of producing any product or conducting any business listed in Schedule I or II requiring aluminum in any of the forms or shapes constituting a controlled material, for essential maintenance, repair or operating supplies, where the use of other materials for the purpose is impracticable, may obtain the same from a controlled materials producer or from a distributor specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale, in an

amount of not to exceed 100 pounds from all sources during any one calendar quarter: *Provided*, That any order placed pursuant to this paragraph (c) (2) shall be accompanied by the following certification (or the alternative form of certification provided in CMP Regulation No. 7), signed manually, or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO—(P order No. —)—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the materials covered by this order are required for essential maintenance, repair or operating supplies, to be used for a purpose listed in Schedule I or II of CMP Regulation No. 5; that the use of other materials for such purpose is impracticable; and that the amount of aluminum covered by this order, together with all other amounts received by, or on order for delivery to the undersigned, from all sources, for such purposes during the same quarter, will not exceed 100 pounds:

When the person making such certification is covered by any order in the "P" series he shall also show, in the space indicated, the number of such "P" order.

Any producer or warehouse receiving an order bearing such certificate shall be entitled to rely thereon and may fill the order, unless he knows or has reason to believe the certificate to be false. An order bearing such certification shall constitute an authorized controlled material order.

(3) Any person engaged in the business or producing any product or conducting any business listed on Schedule I or II, who needs aluminum in any of the forms or shapes constituting a controlled material in amounts aggregating more than 100 pounds from all sources during any one calendar quarter for use as essential maintenance, repair or operating supplies where the use of other material for such purpose is impracticable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarter by letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington 25, D. C., Ref: MRO. The letter should contain substantially the information called for by subparagraphs (d) (1) to (6) of Supplementary Order M-1-i, as amended March 10, 1943. If the application is granted, the applicant will receive an allotment number or symbol, and may place an authorized controlled material order by endorsing an order with such allotment number or symbol and the certification prescribed in paragraph (s) (3) of CMP Regulation No. 1 or in CMP Regulation No. 7, executed as provided in such regulations.

(d) *Preference ratings for maintenance, repair and operating supplies*.

(1) Subject to the quantity restrictions contained in paragraph (f) of this regulation, orders calling for delivery after March 31, 1943, of maintenance, repair or operating supplies other than controlled materials (regardless of whether such supplies be Class A products, Class B products, or other products or materials) are hereby assigned preference ratings as follows:

(i) AA-1 for maintenance or repair of facilities required for producing any product or conducting any business listed in Schedule I or for necessary operating supplies for such production or business;

(ii) AA-2 for maintenance or repair of facilities required for producing any product or conducting any business listed in Schedule II or for necessary operating supplies for such production or business; and

(iii) AA-5 for necessary maintenance or repair of facilities required for producing any product or conducting any business not listed in Schedule I or Schedule II or for necessary operating supplies for any such purpose.

(2) A preference rating assigned under this paragraph (d) shall be applied only by use of the following certification (or the alternative form of certification provided in CMP Regulation No. 7), signed manually or as provided in Priorities Regulation No. 7:

Preference rating _____ (specify rating)—MRO. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the items covered by this order are required for essential maintenance repair or operating supplies; that this order is rated and placed in compliance with CMP Regulation No. 5; and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

(3) A delivery order bearing the above certification shall have the status of a delivery order bearing a preference rating with an allotment symbol as provided in CMP Regulation No. 3. A person with whom a delivery order is placed bearing a preference rating assigned by this regulation may, subject to the limitations contained in CMP Regulations Nos. 1 and 2, extend the rating in the manner provided in CMP Regulation No. 3 (using the endorsement therein specified or the alternative form of certification provided in CMP Regulation No. 7).

(e) *Plants engaged in several activities*. If a single plant or operating unit is engaged in several activities which are not all listed on the same schedule (or if some are so listed and others are unlisted), and it is impracticable to apportion requirements for maintenance, repair and operating supplies between such activities, the principal activity alone shall be considered for purposes of determining whether controlled materials may be obtained under paragraph (c) of this regulation and also for determining which preference ratings may be applied under paragraph (d).

(f) *Quantity restrictions*. (1) No person who uses the allotment symbol or preference ratings assigned by this regulation to obtain any maintenance, repair or operating supplies shall order for delivery during any calendar quarter maintenance, repair or operating supplies in

² See also Interpretation No. 9: Relationship of L-41 and CMP Regulation No. 5.
³ See also Interpretation No. 5: Conduct of business includes general offices, branch offices, salesrooms, et cetera.

² See also: Direction No. 3: Rerating of orders placed before May 16 is not compulsory; Direction No. 5: Farmers are not entitled to use AA-5 rating.

an aggregate amount exceeding one-fourth of his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or his fiscal year ending nearest to December 31, 1942), except that a person engaged in a seasonal business may use such allotment symbol or preference ratings to order for delivery during any calendar quarter, up to, but not in excess of, his aggregate expenditures for maintenance, repair and operating supplies during the corresponding quarter of 1942 (or of such fiscal year). In neither case, however, shall any person use such allotment symbol or preference ratings to obtain maintenance, repair and operating supplies during the 12 months ending March 31, 1944, in an amount exceeding his aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or such fiscal year). In determining the dollar amount of expenditures for maintenance, repair and operating supplies permitted under this paragraph (f) there shall be included not only expenditures for supplies obtained by use of the allotment symbol or preference ratings hereby assigned, but also expenditures for supplies which are obtained without the use of such symbol or rating plus amounts expended in acquiring minor capital additions under paragraph (b) (3) of this regulation. Expenditures during the base period shall be computed in the same way, except that amounts expended in acquiring minor capital additions during the base period shall not be included.⁹

(2) A person who has several plants or other operating units which maintain separate records of maintenance, repair and operating supplies shall treat each of them separately for purposes of complying with the provisions of subparagraph (1) of this paragraph (f).

(3) In the case of a plant or other operating unit which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), the person operating the same may take, as a base, his expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when the plant or unit was in operation, reasonably adjusted for seasonal or other variable factors; *Provided*, That he first notifies the War Production Board in writing of the base which he is taking, the reasons therefor, and the nature of any adjustments made. In the case of a plant starting operations after February 28, 1943, maintenance, repair and operating supplies may be acquired pursuant to this regulation in the minimum amounts necessary for operation, without other restrictions, up to \$5,000 per quarter. If more than this amount is required, application should be made to the War Production Board for a specific quota. In any case where the base provided in subparagraph (1) or by this subparagraph (3) is deemed too low for necessary operations, application may be made for modification thereof by filing

a letter in triplicate with the War Production Board stating the relevant facts.

(4) The restrictions contained in this paragraph (f) shall apply in addition to any quantitative restrictions contained in any order in the "P" series, unless the particular "P" order expressly provides that the restrictions of this regulation shall be inapplicable.

(5) The quantity restrictions in this paragraph (f) shall not apply to persons whose aggregate requirements of maintenance, repair and operating supplies do not exceed \$5,000 per year.

(6) The War Production Board may, by further regulations or orders, require specified persons or classes of persons to file applications or reports regarding their requirements of maintenance, repair and operating supplies and may prescribe specific quantitative limits for the same, either larger or smaller than the limits provided above in this paragraph (f).

(g) *Special provisions for Claimant Agencies, exports and ship repairs.* Maintenance, repair and operating supplies, required either by a Claimant Agency (including any plant or establishment owned and operated by a Claimant Agency) or for export, as regular procurement items covered by specific programs, and material required for ship repairs programmed by the Maritime Commission, shall not be obtained under this regulation, but, if they are controlled materials or Class A products, shall be obtained only by the use of allotments in the same manner as production materials under CMP Regulation No. 1, and, if they are other materials or products, shall be obtained only by such preference ratings as may be specifically assigned for the purpose. *Provided, however*, That the United States Army and Navy may use the procedures provided in this regulation to obtain maintenance, repair and operating supplies for plants owned and operated by them to the extent that such plants are engaged in the production of any product or in any activity listed in Schedules I or II attached.

(g-1) *Special provisions relating to use of MRO symbol and preference ratings.* (1) Any person (such as a service repair shop) engaged in the business of doing maintenance or repair work for others may use the same allotment symbol and preference rating to obtain materials needed in the performance of the work which his customer would be entitled to use if the customer did the work himself. The cost of materials used in the performance of maintenance or repair work shall be treated as expenditures of the customer for the purpose of computing his quantity restrictions under paragraph (f). A person engaged in such business may, instead, request an allotment of controlled materials and a preference rating by applying to the War Production Board on Form CMP-4B, but, if he does so, he must use that method exclusively and may not use a customer's rating or symbol.

(2) A landlord may use his tenant's allotment symbol and rating to obtain

maintenance, repair and operating supplies (including controlled materials) for the leased property if the tenant is engaged in the production of a product or in a business listed in Schedule I or II; but if the same property is occupied by several tenants and the supplies are not for the exclusive benefit of a single tenant the landlord may only use a tenant's rating if 75 percent or more of the leased property is leased to tenants on Schedule I or II and, in such case, if any are on Schedule II, he can only use the AA-2 rating.

(3) A person who leases equipment to others which he agrees to keep in good order may use either his own or his customer's rating and symbol to get materials needed to repair and maintain the equipment.

(h) *Penalties for misrepresentation or diversion.* (1) The placing of any order bearing a certification or symbol as provided by this regulation shall constitute a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code (18 U. S. C. 80), that the person placing the order is entitled, under the terms of this regulation to use of the symbol or preference rating indicated thereon.

(2) No person shall use for any purpose other than essential maintenance, repair or operations, any supplies obtained pursuant to this regulation, or use any supplies obtained under a preference rating assigned by this regulation for a purpose to which a lower rating, or no rating, is assigned. Any such use shall constitute a crime punishable by fine or imprisonment or both. Physical segregation of inventories is not required, provided the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(i) *Inventory restrictions.* Nothing in this regulation shall be deemed to authorize any person to receive any delivery of maintenance, repair or operating supplies if acceptance thereof would increase his inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1 or would exceed the inventory limitations prescribed for such person by CMP Regulation No. 2, or by any other applicable regulation or order of the War Production Board.

(j) *Additional assistance in individual cases.* Any person requiring maintenance, repair or operating supplies who is unable to obtain them with the rating assigned to him by this regulation, and any person requiring any controlled material, except aluminum, for maintenance, repair or operating supplies who is not listed in Schedule I or II and who is unable to obtain it from a warehouse or distributor under CMP Regulation No. 4 may apply to the nearest local office of War Production Board on Form PD-1A for a higher rating, or the right to use the MRO symbol to obtain controlled materials, other than aluminum. Application for an increase in the quantity of expenditures for maintenance, repair and operating supplies permitted by paragraph (f) of this regulation shall,

⁹ See also Direction No. 8: Quota may be determined on a receipt basis.

FEDERAL REGISTER, Thursday, September 16, 1943

however, be filed in the manner specified in subparagraph (3) of paragraph (f).

(k) *Effect on other orders and procedures.* (1) The preference ratings assigned by this regulation shall supersede the preference ratings assigned by all orders in the "P" series for maintenance, repair and operating supplies with respect to materials or products to be delivered after March 31, 1943, except as may be otherwise provided by amendments of such orders specifically providing to the contrary.

(2) Subject to paragraph (k) (1) of this regulation all of the terms, provisions and restrictions contained in all orders in the "P" series including definitions, requirements for making applications and filing reports, and other restrictions, except as otherwise provided in paragraph (f) (4) of this regulation, shall, subject to the inventory restrictions of CMP Regulation No. 2, remain in full force and effect until modified or revoked.

(3) In addition, each person who, in accordance with existing priorities procedures not covered by "P" orders, is required to file applications or reports with respect to his requirements for, or use of, maintenance, repair or operating supplies, or is limited in the amount of such supplies which he is permitted to acquire or use, shall continue to comply with such procedures until the same are modified or revoked.

(4) When an order in the "E", "L" or "M" series assigns a specific preference rating to deliveries of any particular material to be used by a particular industry or for a specific purpose, such preference rating shall control and the preference ratings hereby assigned may not be applied. For example, Order M-41 assigns a rating of A-10 to deliveries of chlorinated hydrocarbon solvents for use in the fumigation of stored products, including grain. A person who needs a chlorinated hydrocarbon solvent for such purpose may apply a rating of A-10 to its delivery and must not apply a rating assigned by this regulation.

(5) Nothing in this regulation shall be construed to relieve any person from complying with any applicable priorities regulation or order of the War Production Board (including orders in the "E", "L" and "M" series) or with any order of any other competent authority.

(1) *Industry reclassification.* Any person who is of the opinion that the business activity in which he is engaged should be listed in Schedule I, if it is listed in Schedule II, or should be listed in either Schedule I or Schedule II, if it is not listed in either of such schedules, may apply to have such activity so listed by filing a letter, in triplicate, with the appropriate Industry Division setting forth the relevant facts and the reasons why he considers such request should be granted.

The War Production Board may cause such activity to be listed in one of the schedules attached to this regulation or, in special cases, may permit the applicant to operate under this regulation to the same extent as though his business activity were included in one of such schedules.

(m) *Records.* Each person acquiring maintenance, repair or operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired, and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Communications.* All communications concerning this regulation should be addressed to: War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 5.

(o) *Restriction on use of ratings.* The preference rating assigned by this regulation cannot be used to get any of the items shown on List A or B of Priorities Regulation No. 3.

Issued this 13th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULES

Manufacture of the following products:

Unfabricated and semi-fabricated metal products

Schedule

I	Ferro-alloys (except producers to whom serial numbers have been issued under Order P-68).
I	Iron products including pig iron, pipe, wire, wrought iron and foundry products (except producers to whom serial numbers have been issued under Order P-68).
I	Non-ferrous metal and non-ferrous metal alloy unfabricated and semi-fabricated products, including castings, ingots, shot, bar, forgings, sheet, strip, tubing, extrusions and wire and wire products.
I	Steel rolling mill and foundry products, including semi-finished steel, bars, pipe, plates, sheets, strip, castings, forgings, structural shapes, piling, tin plate, terne plate, black plate, tubing, rails, track accessories, wheels, tires, axles, wire and wire products (except producers to whom serial numbers have been issued under Order P-68).

Intermediate metal products

I	Bearings, ball and roller.
I	Bolts, nuts, rivets, washers, screws and pins.
I	Bushings, journal bearings and sleeve bearings.
I	Crankshafts.
I	Cylinders, hydraulic actuating.
I	Fittings, pipe.
I	Gaskets, packings and grease retainers.
II	Metal stampings.
I	Nails, brads, staples and tacks.
I	Pipe, fabricated.
I	Plate, fabricated (steel).
I	Railroad frogs, switches and crossings.
I	Screw machine products.
I	Springs.
II	Strapping, metal, round and flat (including seals).
I	Structural steel (fabricated).
I	Tanks, metal storage.
I	Tubing and hose, flexible (metallic).
I	Valves.

Chemical products

I	Chemicals and allied products for industrial and military use (excluding automobile body polish and top dressing; candles; cleaning and polishing preparations for metal, leather, floors and furniture; household dyes; ink and ink eradicators; incense; toiletries and cosmetics, perfumes, powders and creams, manicure preparations, hair dressings, dyes, shampoos and tonics; dentrifrices and depilatories).
I	Colors and pigments.
I	Drugs, medicinals, pharmaceuticals and biologicals.
II	Dry cleaning preparations.
I	Paints, varnishes and lacquers.
II	Printing ink.
II	Soap, soap chips, flakes and powders.

General industrial equipment

I	Air conditioning and refrigeration equipment; industrial and commercial.
I	Boilers, 100 lbs. pressure and over.
II	Boilers, below 100 lbs. pressure.
II	Bottling-machines.
I	Condensers: steam, surface, jet and barometric.
I	Control valves and regulators, industrial type.
I	Conveyors and conveyor systems.
I	Cranes, hoists, winches and derricks.
II	Dust collecting equipment, industrial.
I	Fans, blowers and exhausters, excluding propeller type and commercial ventilating fans.
I	Furnaces and ovens, industrial.
I	Heat exchangers, as defined in official CMP B Product List.
I	Instruments, industrial types.
I	Lubricating equipment, industrial.
I	Metal working machinery, equipment, attachments and accessories; including machine tools, bending, die casting, die molding, extruding and forging machines; foundry machinery, equipment and supplies; heat treating equipment; hydraulic and mechanical presses; rolling mills and allied equipment; shears, punches and nibblers; welding equipment and apparatus; wire drawing and wire-working machinery; diamond dies; metal cutting tools; and welding rods and electrodes.
I	Meters, gas and water.
II	Packaging machinery; including packaging machines, bag filling and closing machines, case packers and case sealing machines, wrapping machines.
I	Power transmission equipment, mechanical and hydraulic.
I	Pulverizers, coal.
I	Pumps.
II	Presses, baling.
I	Pressure vessels, as defined in official CMP B Product List.
I	Compressors and dry vacuum pumps.
I	Safety equipment, industrial.
II	Sewing machines, industrial.
I	Speed changers.
II	Spraying equipment, industrial.

General industrial equipment—Continued

Schedule

I	Stokers.
I	Trucks and tractors, industrial; hand and power operated.
I	Tube cleaners and expanders.
I	Turbo-blowers and turbo-exhausters.
II	Vacuum cleaners, industrial.
	<i>Special industry machinery</i>
II	Automotive maintenance equipment.
II	Broom, brush and mop making machinery.
I	Ceramics manufacturing machinery.
I	Chemicals producing machinery.
II	Cooperage machinery.
II	Cotton ginning, compressing and delinting machinery.
II	Distillery machinery (except beverage).
I	Drilling equipment, oil field, including rigs and accessories.
I	Drilling machinery, water well.
I	Drug and pharmaceutical machinery.
I	Dry kilns and redriers for wood treatment.
I	Fertilizer machinery and equipment.
II	Food and food processing machinery and equipment, except food dehydration machinery.
I	Food dehydration machinery.
I	Gas generating, conditioning and gas producing equipment and apparatus.
I	Glass container making machinery.
I	Glass making machinery.
II	Hemp, flax and similar fibre decorticating machinery.
II	Leather working machinery.
I	Logging and sawmill machinery and equipment.
II	Metal container and closure making machinery.
I	Mining machinery and equipment.
I	Oil machinery and equipment: animal, fish, vegetable.
I	Ore milling machinery and equipment.
II	Optical and ophthalmic goods making machinery.
I	Paint and varnish making machinery.
II	Paper and fiber container making machinery.
II	Papermill, pulp mill and paper products machinery.
I	Petroleum refinery machinery and equipment.
I	Plastics molding machinery.
II	Printing trades machinery and equipment.
I	Rubber working and tire making, retreading, recapping and repairing machinery.
II	Sewer cleaning machinery and equipment.
I	Smelting and refining equipment.
I	Stone products manufacturing machinery.
II	Textile machinery.
I	Water conditioning equipment.
II	Wood boxmaking machinery.
I	Woodworking machinery.
II	Special industry machinery not elsewhere listed, excluding tobacco manufacturing machinery and equipment and cosmetics machinery.

Construction machinery and equipment

Schedule

I	Drilling and boring machinery, earth and rock.
I	Power cranes and shovels, draglines, buckets, stiff-leg derricks, and dredges.
I	Scrapers, maintainers and graders. Tractors, track-laying and wheel types.
I	Tractor mounted construction equipment, including angle-dozers, bull-dozers, and power control units.
I	Winches and hoists, contractors elevating.
II	Other construction machinery and equipment, not elsewhere listed.
	<i>Military type products</i>
I	Aircraft, including airframes, engines, propellers, instruments, components, maintenance, and concurrent spares, and air borne equipment.
I	Airplane landing mats.
I	Ammunition.
I	Ammunition boxes and chests.
I	Ammunition and explosive loading machinery and equipment.
I	Artillery, including railway and seacoast.
I	Barrage balloon equipment.
I	Bombs, depth charges, mines and torpedoes.
I	Combat tanks and parts, including engines.
I	Communication equipment, military.
I	Explosives.
I	Fire control and other combat instruments.
II	Insignia, military.
I	Machine guns, ground and hand arm.
I	Motor cycles, side cars and parts, including power cycles.
I	Motor vehicles, military, including armored cars, scout cars, half-tracks and other military motor vehicles, including bodies, engines, parts and accessories.
I	Naval armament and weapons.
I	Navigation instruments.
I	Pyrotechnics, including flares and signals.
I	Radio and radar equipment and components.
I	Safety equipment, military, including masks, inhalators, rescue breathing apparatus, goggles, helmets, protective clothing and footwear, and decontamination apparatus.
I	Searchlights, anti-aircraft.
I	Ships, vessels, and other watercraft, including elevators, turbines, engines, equipment and parts.
I	Tanks and anti-tank armament and weapons.
I	Weapons, anti-aircraft.
I	Weapons, not elsewhere listed.
II	Products for military use not elsewhere listed.
	<i>Electrical products</i>
I	Anodizing equipment.
II	Batteries, dry cells.
I	Batteries, storage.
II	Bells, buzzers, chimes, gongs, horns and other sound signalling devices (electric).
I	Capacitors.
I	Carbon brushes.

Electrical products—Continued

Schedule

I	Cut-outs and fuse links, electric (heavy duty).
II	Electric appliances, commercial and domestic, all types.
I	Electrical apparatus for internal combustion engines.
I	Electrical connectors.
I	Electroplating equipment.
I	Flashlight cases.
I	Fuses.
I	Infra-red heating and drying equipment.
I	Instruments, electrical measuring.
II	Lamp bulbs and tubes, except aircraft.
I	Lamps and lanterns.
II	Lighting equipment and accessories, aircraft, airport and marine.
I	Lighting fixtures.
I	Magnets, electrical lifting.
I	Motor controls and control equipment.
I	Motors, generators and motor generator sets.
I	Physio-therapy apparatus.
I	Foil-line hardware and insulators.
I	Rectifiers, mercury arc.
I	Regulators.
I	Searchlights, floodlights, spotlights and parts.
I	Sparkplugs.
II	Street and highway traffic control signals and controllers.
I	Switchgear, panel and distribution boards.
I	Synchronous condensers and frequency changers.
I	Transformers.
I	Tubes, electronic and rectifier.
I	Wire and cable, insulated.
I	Wiring devices and conduits (electric).
I	X-ray apparatus and tubes.
	<i>Engines, turbines and generator sets</i>
I	Engines, internal combustion, and accessories.
I	Engines, steam.
I	Generator sets.
I	Turbines.
	<i>Communication equipment</i>
I	Alarm and signal systems, protective.
I	Radio equipment and components.
I	Wire communication equipment.
I	Other communication equipment.
	<i>Transportation equipment</i>
I	Bicycles.
I	Brakes, air, and airbrake actuating mechanism.
I	Hardware, transportation equipment.
I	Locomotives, railroad; parts and accessories.
I	Motor vehicles, bodies, engines, parts and accessories, nonmilitary; including buses, motorized fire apparatus and automobile trailers for attachment to passenger cars.
I	Railroad cars, parts and accessories.
I	Railroad and transit maintenance-of-way equipment.
I	Railroad and transit signal equipment.
I	Railroad and transit track equipment.
I	Street and rapid transit cars, parts and accessories.
II	Wagons, carts, sleds, sleighs and other non-motorized vehicles.

Building materials	
<i>Schedule</i>	
I	Asbestos building materials.
II	Asphaltic building products.
II	Building mesh.
II	Cement, Portland.
II	Concrete building products.
II	Doors and windows.
II	Gypsum building products.
I	Hard board.
II	Hardware, builders.
II	Metal moulding and trim.
II	Mineral wool, industrial.
II	Plumbing fixtures, fittings and trim, and sanitary ware.
II	Radiators, convectors and blast heating coils.
II	Screen cloth.
II	Sheet metal building products.
II	Structural insulation and fibre board.
II	Weatherstripping.
II	Wire fence, posts and gates.
II	Products for structural use not elsewhere listed.
<i>Miscellaneous products</i>	
I	Abrasive products.
I	Agricultural machinery, implements and equipment, excluding farm and garden hand tools.
I	Asbestos textiles.
II	Baby carriages and similar equipment.
II	Bag and bale ties.
II	Beds, bedsprings and mattresses.
II	Bells, gongs and other non-electric signalling devices.
I	Blast detonating equipment, industrial.
I	Blue printing developing and drying machines.
II	Brooms, brushes, mops.
I	Buoys.
II	Burners, gas, oil and combination.
I	Carbon products, industrial.
II	Caskets, coffins, burial cases and vaults.
II	Ceramic and clay products.
I	Chains.
II	Church goods.
II	Clocks and watches, including chronometers, except aircraft.
II	Closures, all types.
I	Coke and coke oven by-products (except producers to whom a serial number has been issued under Order P-68).
II	Containers: all types except fiber drums, gas cylinders and ton containers, and nailed wooden boxes and crates.
I	Containers: fiber drums, gas cylinders and ton containers, and nailed wooden boxes and crates only.
I	Cooking stoves and ranges, domestic, including laundry stoves, hot plates, and portable ovens.
I	Cooking equipment, commercial.
II	Cork products.
II	Cutlery.
II	Dishwashing machinery, commercial.
II	Elevators and escalators.
II	Fans, ventilating (commercial).
II	Findings, apparel and shoe.
I	Fire extinguishers, carbon dioxide.
II	Fire protection equipment, including portable and fixed fire extinguishers and systems other than carbon dioxide types; stirrup pumps; automatic sprinkler systems; fire hose, hose dryers, racks, reels and related products; and fire hydrant indicator posts and stand pipe equipment.

Miscellaneous products—Continued	
<i>Schedule</i>	
I	Fishing equipment, commercial.
II	Floor coverings, linoleum and felt base.
II	Floor finishing and floor maintenance machines, as defined by WPB Order L-222.
II	Food preparation and serving fixtures, equipment and appliances, commercial.
II	Furniture.
I	Glass products: fibrous glass products for military, industrial and structural use, and technical glass for military and industrial use.
II	Glass Products: not elsewhere listed, excluding mirrors.
II	Hairpins, bob pins and hair curlers.
II	Hardware, not elsewhere listed.
I	Heating equipment (except electric) including heating system controls and hot water equipment.
II	Hooks and eyes, slide and snap fasteners, buckles, buttons and miscellaneous apparel findings.
II	Houses, mobile and prefabricated.
II	Ice.
II	Identification badges, emblems, pin tickets, plates, tags not military.
I	Instruments, apparatus, equipment, supplies and appliances: dental.
I	Instruments and apparatus: laboratory.
I	Instruments and equipment: engineering (including surveyors' drawing and mathematical).
I	Instruments and apparatus: analytical and industrial testing.
I	Instruments, equipment, supplies; surgical and medical, including orthopedic appliances.
I	Instruments and lenses; optical.
II	Instruments; musical.
I	Jewel bearings.
II	Kitchen, household and other miscellaneous articles, as defined in WPB Order L-30.
II	Lamps and lanterns, non-electric
II	Laundry, dry cleaning and pressing machinery, commercial.
II	Laundry machinery, domestic.
II	Lawn mowers, hand and power.
I	Leather and leather products.
II	Lenses and instruments; optical.
II	Loose leaf binders.
II	Morticians' goods.
II	Needles.
II	Office machinery.
II	Office supplies, including marking devices.
II	Ophthalmic goods.
II	Pens and pencils.
I	Photographic equipment, apparatus and materials, excluding projection apparatus.
II	Phonographs, parts, records and needles.
II	Pins, common and safety.
II	Plastic products: moulding and laminating.
II	Projection apparatus.
II	Pulp and paper and paper products.
II	Razors and blades.
I	Refractories.
I	Refrigerators and parts (domestic).
II	Rope.
I	Rubber and rubber products.
II	Scales and balances, industrial and commercial.
I	Sensitized film and paper.
II	Sewing machines.

Miscellaneous products—Continued

Miscellaneous products—Continued	
<i>Schedule</i>	
II	Textiles and clothing.
II	Time stamps and recording devices.
II	Tools, farm and garden, edge and hand.
I	Tools; including edge tools, hand tools, mechanics hand service tools, gauges and machinists precision measuring tools, files and rasps; excluding farm and garden edge and hand tools.
II	Traps and cages, animal.
II	Unit heaters and unit ventilators.
II	Vitreous enameled products.
II	Wood products.
II	Products for military, industrial and structural use not elsewhere listed.
<i>Conduct of the following businesses or activities</i>	
II	Cotton ginning and compressing.
II	Construction.
I	Detinning.
II	Drainage and irrigation.
I	Electrical and mechanical repair shops for industrial, commercial and agricultural equipment; and public, industrial and commercial transportation equipment. ⁷
I	Electro-plating, galvanizing and other metal treating and finishing.
II	Engraving on metal.
I	Fabricating and rifling mica.
I	Feed and grain (stock and poultry) processing and storage.
I	Fishing, commercial.
II	Hemp, flax, and similar fiber decoration.
I	Industrial food manufacturing, processing, packaging, preservation and storage, (except soft drink and alcoholic beverages, and chewing gum). Restaurants, hotels, retail stores, and farms are not included in this category. ⁸
I	Logging operations, sawmills, veneer mills, plywood mills, planing mills, shingle mills, and dry kilns operated in connection with sawmills.
I	Military and Naval establishments: camps, posts, bases, stations, air fields and depots.
II	Motion picture production.
I	Operation of ships, vessels and other craft, except pleasure vessels. ⁹
II	Printing and publishing, including blueprinting and allied reproduction.
I	Public utilities; gas, light, power, water and central heating and sanitation (except producers as defined in Utilities Order U-1).
I	Public transportation, terminal and dock facilities, including stevedoring. ¹⁰
I	Petroleum and natural gas production, transportation, refining and marketing (except to the extent covered by P-98 (b)).
I	Radio communication.
⁷ See also Interpretation No. 6: Public transportation means common carriers: Direction No. 10: Welding rods for service repair shops.	
⁸ See also Interpretation No. 7 relating to distribution of food products.	
⁹ See also Direction No. 6: ships of friendly foreign nations.	
¹⁰ See also Interpretation No. 6: Public Transportation means common carriers.	

Conduct of the following businesses or activities—Continued

<i>Schedule</i>	
II	Radio broadcasting.
II	Refrigeration (commercial) other than food.
II	Scrap salvage, sorting and processing.
I	Seed processing, packaging, preservation and storage.
I	Ship repair and maintenance.
I	Slag recovery and disposal.
I	Smelting and refining (except producers to whom a serial number has been issued under P-73).
II	Solid fuel distribution and marketing including only those dealers with equipped yards (a dealer with an equipped yard is one who regularly maintains storage and sorting facilities as a part of his own operations, and loading, carrying and other machinery for handling and weighing).
II	Tire and tube recapping, retreading and vulcanizing.
I	Vegetable oil extraction.
II	Warehousing, metal.
II	Warehousing, public.
I	Wire communications industries (except operators as defined in Utilities Orders U-3 and U-4).

INTERPRETATION 1

(NOTE: List A has been supplanted by List B of Priorities Regulation No. 3. Reference should be made to the items listed there.)

Office supplies are not included in List A of CMP Regulation No. 5 and consequently the procedures provided by the regulation may be used to obtain such supplies provided they do not come within the following categories which are specifically mentioned in List A:

Item

2. Printed matter and stationery. This refers only to printed matter and items such as letterheads, envelopes and forms.

3. Paper, paperboard, and products manufactured therefrom; molded pulp products.

5. Office machinery or office equipment.

Safety shoes are included in List A of the regulation and consequently the procedures provided by the regulation may not be used to obtain them. Safety shoes are not included among the items constituting exceptions to item 6 of the list. (Issued April 5, 1943.)

INTERPRETATION 2

A person who is permitted to get controlled materials under paragraph (c) (1) of CMP Regulation No. 5 for maintenance, repair and operating supplies is not entitled to use the MRO symbol for purposes of allotting controlled materials to others. For example, a manufacturer of a product listed in Schedule I or Schedule II of the regulation requires a spring as a repair part. He may use the MRO symbol to place an authorized controlled material order for steel which he will fabricate into the spring which he requires, but if he buys the spring from a spring manufacturer, he may not make an allotment with the MRO symbol to the spring manufacturer. The spring manufacturer receives his allotment direct from the War Production Board as provided in paragraph (k-1) of CMP Regulation No. 1. (Issued April 20, 1943.)

INTERPRETATION 4

(a) Materials required for the manufacture of containers (in knock down or set up form) constitute production materials and

consequently cannot be obtained under CMP Regulation No. 5.

(b) This is true, regardless of whether the manufacturer makes containers for sale to others or, in a captive plant or separate department, for packaging his own product for shipment or delivery.

(c) On the other hand, materials, other than fabricated containers, required for packaging a product for shipment or delivery may be acquired by the manufacturer of the product under CMP Regulation No. 5 where the manufacturer of the product does not maintain a captive plant or a separate department whose operations are substantially similar to those of a container manufacturer.

(d) For example, a manufacturer who maintains a department in which he manufactures wooden boxes for the packaging of his product for shipment or delivery, cannot obtain materials required to produce such boxes under CMP Regulation No. 5. On the other hand, a manufacturer who crates his product for shipment but who does not maintain a separate department operating on a basis substantially similar to the operations of a manufacturer making crates or shocks, may obtain the lumber, nails, etc., required in preparing his product for shipment, under CMP Regulation No. 5. (Issued May 7, 1943.)

INTERPRETATION 5

GENERAL OFFICES, BRANCH OFFICES, SALESROOMS, ETC.

The ratings and symbol assigned by CMP Regulation No. 5 to a particular business may be used to obtain maintenance, repair and operating supplies for general offices, branch offices, salesrooms and other facilities essential to the conduct of the business. (Issued May 20, 1943.)

INTERPRETATION 6

COMMON CARRIERS

Persons engaged in "public transportation" are included in Schedule I of CMP Regulation No. 5. This term includes any person who holds himself out to the general public as engaged in transportation, regardless of how he is classified under any Federal or State statute. Any person who would be considered a common carrier under common law is included within the term.

A private or contract carrier is not included. (Issued May 20, 1943.)

INTERPRETATION 7

MANUFACTURE AND DISTRIBUTION OF FOOD PRODUCTS

(a) "Industrial food manufacturing, processing, packaging, preservation and storage" is included in Schedule I of CMP Regulation No. 5 and persons engaged in such occupation are entitled to use a rating of AA-1 and the MRO symbol in purchasing maintenance, repair and operating supplies needed in connection with the conduct of their business.

(b) Distribution of food products, as distinct from their production, does not constitute industrial food manufacturing or processing under Schedule I and is not included elsewhere in Schedule I or II of the regulation. Persons engaged in selling food products which they do not produce are only entitled to use the AA-5 rating to obtain maintenance, repair and operating supplies for their business.

(c) In those cases where a person is engaged in both producing and distributing food products he may, under paragraph (e) of the regulation, obtain his entire maintenance, repair and operating supply requirements at the rating assigned to the principal activity in which he is engaged where, and only where, it is impracticable to apportion requirements to his several activities. (Issued May 27, 1943.)

INTERPRETATION 8

CAPITALIZED REPAIRS

Products or materials needed for repairs or replacements which are capitalized cannot be obtained under CMP Regulation No. 5 (§ 3175.5) except to the extent permitted by paragraph (b) (3) of the regulation relating to minor capital additions costing less than \$500. (Issued July 17, 1943.)

INTERPRETATION 9

RELATIONSHIP BETWEEN CMP REGULATION NO. 5 AND CONSERVATION ORDER L-41

(a) Order L-41 requires War Production Board authorization before beginning any construction work except in those cases where the order expressly states that authorization is not necessary.

(b) CMP Regulation No. 5 (§ 3175.5) may not be used to get materials or products for any construction work of the type which requires authorization under Order L-41, unless the authorization specifically says that CMP Regulation No. 5 may be used.

(c) In those cases where specific War Production Board authorization is not required before beginning construction, and where the materials needed for the construction cost no more than \$500, CMP Regulation No. 5 may be used to buy materials and products needed for the construction. (Issued July 29, 1943.)

[F. R. Doc. 43-15017; Filed, September 14, 1943; 4:02 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-424]

NORTHERN STEEL AND STOKER CORP.

Northern Steel and Stoker Corporation, 3150 Prospect Road, Peoria, Illinois, is engaged among other things in the manufacturing of insulation blowers and coal stokers. Between June 8, 1942 and December 10, 1943, the Corporation violated General Limitation Order L-123 by delivering 19 insulation blowers to customers who had not furnished it with "approved orders", as defined in that order. It also violated General Limitation Order L-75, in that between June 1, 1942 and September 1, 1942, it produced, fabricated or assembled 244 Class B coal stokers, which were not composed wholly of fabricated parts in its physical possession on May 31, 1942, and in that between June 16, 1942 and October 7, 1942, it produced, manufactured or assembled 25 Class A coal stokers to fill non-rated orders. This company also violated Priorities Regulation No. 1 by failing to keep and preserve complete records of its inventories of materials subject to regulation and of its production of coal stokers. Northern Steel and Stoker Corporation's operations in careless disregard of the provisions of the aforementioned orders and regulation have been deemed wilful.

These violations have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, That:

S 1010.424 Suspension Order No. S-424. (a) During the term of this order, Northern Steel and Stoker Corporation, its successors or assigns shall not manufacture any coal stoker as defined in General Limitation Order L-75, either in the form of complete units or as parts

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thereof, except as specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Northern Steel and Stoker Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on September 15, 1943, and shall expire on December 15, 1943.

Issued this 8th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15054; Filed, September 15, 1943; 11:41 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-425]

ARTHUR W. COMEAU

Arthur W. Comeau, Medford, Massachusetts is a plumber and heating contractor. Subsequent to February 19, 1943, he participated in and furnished materials for residential construction as defined in Conservation Order L-41 in connection with remodeling a single family residence owned by Charles C. Nardone, located at 145 Langley Road, Newton Centre, Massachusetts, into a two-family dwelling, at an estimated cost of \$3,000.00, which he knew was in excess of the \$200. permitted by the order.

Arthur W. Comeau also sold and delivered certain new metal plumbing and heating equipment to Nardone, an ultimate consumer, in violation of Limitation Order L-79. At the time of such sales and deliveries, Comeau was substantially familiar with the provisions of Limitation Order L-79, and his violations must be deemed wilful.

Arthur W. Comeau also wilfully furnished false and misleading information to an investigator of the War Production Board on May 5, 1943, in a written statement, in violation of Conservation Order L-41 and Limitation Order L-79.

The violations of Conservation Order L-41 and Limitation Order L-79 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.425 Suspension Order No. S-425. (a) Deliveries of material to Arthur W. Comeau, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made directly or indirectly to Arthur W. Comeau, his successors or assigns, of any material or product the supply or distribution of which is covered by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Arthur W. Comeau, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on September 15, 1943, and shall expire on November 15, 1943.

Issued this 8th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15055; Filed, September 15, 1943; 11:41 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-426]

CHARLES C. NARDONE

Charles C. Nardone of Newton Highlands, Massachusetts, is a building contractor. On or about January 1, 1943, he began residential construction on property owned by him at 145 Langley Road, Newton Centre, Massachusetts, for the purpose of remodeling it into a two family apartment dwelling. Conservation Order L-41 limits the estimated cost of such construction to \$200; the estimated cost of construction begun by Charles C. Nardone was \$3,000. In response to a War Production Board request, Charles C. Nardone, on April 14, 1943, furnished information in writing in connection with this project, which was false. On May 1, 1943, the War Production Board ordered him to stop construction but he ignored the order and continued construction for some time afterward. As early as March 31, 1943, he was aware of the building restrictions of the War Production Board which affected him, so that his continuance of construction, after being ordered to stop, must be considered a wilful violation of Conservation Order L-41.

These violations of Conservation Order L-41 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.426 Suspension Order No. S-426. (a) Neither Charles C. Nardone, his successors or assigns, nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction of the remodeling of the premises at 145 Langley Road, Newton Centre, Massachusetts, unless hereafter specifically authorized in writing by the War Production Board.

(b) For a period of four months from the effective date of this order, deliveries of material on orders or contracts placed directly or indirectly by Charles C. Nardone, his successors or assigns shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) For a period of four months from the effective date of this order, no allocation or allotment shall be accorded to Charles C. Nardone, his successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve Charles C. Nardone, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on the 15th day of September 1943.

Issued this 8th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15056; Filed, September 15, 1943; 11:41 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-430]

HYMAN & FRIEDA MANDELL

Hyman and Frieda Mandell of 1405 Norton Street, Rochester, New York, commenced residential construction on the premises at 70 Harris Street, Rochester, New York, on or about April 12, 1943, for the purpose of remodeling and altering the building from a one-family to a two-family house. The estimated cost of this construction was approximately \$2,562.00, considerably in excess of the \$200.00 limit fixed by Conservation Order L-41. Construction was approximately 35 per cent. completed when stopped. Commencing this construction without having obtained authorization constituted a wilful violation of Conservation Order L-41. Said violation by the respondent has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.430 Suspension Order No. S-430. (a) Neither Hyman nor Frieda Mandell, nor any other person, whether individual or corporate, shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to continue or complete construction of or remodel, rehabilitate,

or in any manner alter premises located at 70 Harris Street, Rochester, New York, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Hyman or Frieda Mandell from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on September 15, 1943.

Issued this 8th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15057; Filed, September 15, 1943; 11:41 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-123 as Amended Sept. 15, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of general industrial equipment for defense, for private account and export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.1 General Limitation Order L-123—(a) Definitions. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "General industrial equipment" means new equipment of the kinds listed, from time to time, in list A. General industrial equipment shall be deemed to be new when it has not been delivered to any person acquiring it for use.

(3) "Manufacturer" means any person producing general industrial equipment.

(4) "Distributor" means any person in the business of distributing general industrial equipment.

(5) "Order" means any commitment or other arrangement for the delivery of general industrial equipment, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for general industrial equipment bearing a preference rating of A-1-c or higher.

(ii) Any order for general industrial equipment for the Army, the Navy, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development.

(iii) [Revoked June 7, 1943.]

(b) *Restrictions on acceptance of orders for, and production and distribution of general industrial equipment—(1) General restrictions.* (i) No person

shall accept any order for general industrial equipment or commence production of any general industrial equipment in fulfillment of any order, whether accepted or not; unless such order is an approved order.

(ii) No person shall deliver, and no person shall accept delivery of, any general industrial equipment, except pursuant to an approved order.

(iii) The restrictions and limitations of this paragraph (b) (1) shall not apply to:

(a) the delivery of general industrial equipment by any manufacturer to any distributor to fill approved orders actually received by such distributor or to replace general industrial equipment delivered by such distributor to fill an approved order.

(b) the extension by any manufacturer of any preference rating certificate to secure materials for the production of general industrial equipment, or

(c) the delivery, prior to December 1, 1943, by any person of any general industrial equipment to a farmer, in accordance with Priorities Regulation 19.

(c) *Non-applicability to repair or maintenance.* (1) The provisions of paragraph (b) shall not apply to any order for, or delivery of, maintenance or repair parts, (i) in an amount not exceeding \$1,000 for any single piece of general industrial equipment to be repaired or maintained; or (ii) in any amount for the repair of general industrial equipment when there is an actual breakdown or suspension of operations of such piece of equipment because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

(2) [Revoked February 27, 1943]

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Applicability of other orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, acquire, fabricate or process in any manner, any raw materials, semi-fabricated parts, or finished parts in contravention of terms of any regulation of the War Production Board, effective at the date of any of the transactions specified in this paragraph.

(f) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after May 26, 1942. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him

may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-123.

(i) *Records and reports.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for general industrial equipment. All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the War Production Board shall from time to time request.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

Issued this 15th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

1. Conveying machinery (and any important component part thereof) used for the mechanical handling of materials; except (i) farm elevators included within the provisions of Order L-26, as amended, (ii) machinery or parts used on board ship in the operation of any vessel, or used in the operation of aircraft, tanks, ordnance, or similar combat equipment, (iii) power and hand lift trucks, (iv) cranes, hoists and platform elevators, (v) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vi) cars and car dumpers, (vii) steel mill tables, (viii), sintering conveyors, (ix) metal pig conveyors, (x) underground mining machinery (other than slope conveyors); and (xi) conveying machinery covered by any order authorized by the War Production Board under Order L-193.

2. Mechanical power transmission equipment (and any important component part thereof) of the following kinds (except (i) equipment or parts used in the operation of any vessel, or in the operation of aircraft, tanks, ordnance or similar combat equipment or (ii) equipment covered by any order authorized by the War Production Board under Order L-193):

(a) Open and enclosed gearing for transmitting more than $\frac{1}{4}$ horse power; except marine propulsion gears, gears used as an integral part of a machine, gears built into a turbine, and gears used on household manually powered, automotive, or farm machinery.

(b) Mechanical drives and parts thereof for transmitting more than $\frac{1}{4}$ horse power; except belting, drives used as an integral part of a machine and drives used on household,

manually powered, automotive, or farm machinery.

3. [Revoked Feb. 27, 1943]

4. Turbo blowers, except turbo blowers covered by the provisions of Limitation Order L-163.

5. Industrial compressors and vacuum pumps, mechanically operated, all types; except "Critical Compressors" as defined in General Limitation Order L-100, and units having a displacement of less than one cubic foot per minute.

6. [Revoked Feb. 27, 1943]

7. [Revoked Feb. 27, 1943]

8. Stationary steam engines, except marine engines and steam engine generator sets.

9. Air washers.

10. Heat exchangers; except (i) heat exchangers for domestic use; (ii) heat exchangers covered by the provisions of Limitation Order L-172, (iii) surface condensers, (iv) unit heaters, (v) unit ventilators, (vi) blast heating surfaces not enclosed in a pressure vessel, and (vii) convectors designed and used solely for comfort heating of building spaces or for processes requiring heat. "Surface Condenser" means any device consisting of a shell and bare tubes, including auxiliary air removal equipment when such auxiliary equipment is purchased with and used on said device, which condenses exhaust steam from a steam driven prime mover for the purpose of maintaining a minimum absolute exhaust pressure.

11. Industrial dust collectors.

12. [Revoked Feb. 27, 1943]

13. Portable (platform type) elevators and steel platforms. "Portable (platform type) elevator" means any device mounted on wheels or casters with either power operated or hand operated lift, used primarily to elevate and lower material for the purpose of tiering or stacking; and "steel platform" means any steel platform or skid, with or without box tops or enclosures, standing on legs or legs and wheels, designed for use in handling material in conjunction with hand or power operated lift trucks, portable (platform type) elevators, lift jacks or other similar devices.

14. [Revoked Feb. 27, 1943]

15. [Revoked Feb. 27, 1943]

16. [Revoked Feb. 27, 1943]

17. Safety switches and knife switches, single and double throw, two, three and four pole, rated 60 amperes and higher, 600 volts and below.

18. Circuit breakers, thermal and magnetic trip, manually and electrically operated, rated 50 to 575 amperes, inclusive, 600 volts and below.

19. Lifting magnets, circular type, 18 inches in diameter and larger; and lifting magnet controllers.

20. Dynamometers, electric type; and rotary converters.

21. Electric motors, rated less than one horsepower; except motors used in the operation of passenger automobiles, trucks, truck trailers, passenger carriers and off-the-highway motor vehicles, as defined in Order L-158, or in the operation of stationary automotive type engines.

INTERPRETATION 1

General industrial equipment shall be considered to be delivered, within the meaning of this order, prior to May 26, 1942, when the machinery or equipment has been placed in the hands of a common or contract carrier for shipment to the purchaser prior to May 26, 1942. (Issued June 13, 1942.)

INTERPRETATION 2

Paragraph (a) (2) defines "general industrial equipment" to mean new equipment of the kinds listed, from time to time, in List A to the order. Such equipment is deemed to be new when it has not been delivered to any person acquiring it for use. Paragraph

(b) imposes restrictions on the acceptance of orders for, and commencement of production and deliveries of, general industrial equipment.

Paragraph (c) provides an exemption from the restrictions of paragraph (b) for any order or delivery of maintenance and repair parts in an amount not exceeding \$1,000 for any single piece of general industrial equipment to be repaired or maintained; or in any amount for the repair of general industrial equipment when there is an actual breakdown or suspension of operations of such piece of equipment. The exemption provided in paragraph (c) is intended for such repair or maintenance parts to be used to repair or maintain any existing equipment, i. e., equipment which has been delivered for use to a user and requires repair or maintenance. The exemption is not intended to apply to spare parts for new equipment nor is it limited to the repair or maintenance of equipment delivered after the date of the order. (Issued December 14, 1942.)

INTERPRETATION 3

It has been the practice of the motor repair industry to take in trade a broken down fractional horsepower motor and repair it for redelivery to another customer, on a similar basis, rather than to engage in repair of a fractional horsepower motor at the point of operation. The sale of the fractional horsepower motor for replacement would be within the exemption provided by paragraph (c) of Order L-123 [§ 1226.1] with respect to delivery of maintenance and repair parts, if it is the practice of the seller to take in trade the broken down motor, to repair it or have it repaired where practicable, and to resell it under similar conditions. (Issued July 14, 1943.)

[F. R. Doc. 43-15058; Filed, September 15, 1943; 11:42 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Preference Rating Order P-126 as Amended Sept. 15, 1943]

MATERIAL FOR EMERGENCY SERVICING OF INDUSTRIAL AND COMMERCIAL REFRIGERATING AND AIR CONDITIONING SYSTEMS

§ 1226.22 *Preference Rating Order P-126*—(a) *General purpose and effect.* This order gives preference ratings to help service agencies (as defined herein) get parts and materials for the emergency maintenance and repair of industrial and commercial refrigerating and air conditioning systems (as defined herein). No such service agency shall obtain any parts and materials for the emergency maintenance and repair of systems under CMP Regulations 5 or 5A except as specified in this order. However, delivery may be made and accepted on any delivery order placed pursuant to CMP Regulations 5 or 5A before October 15, 1943. Nothing in this order shall prevent any person other than a service agency from using CMP Regulations 5 or 5A.

(b) *Definitions.* As used in this order:

(1) "System" means any refrigerating or air conditioning system made up of a combination of machinery or equipment used with a "refrigerant" to cool, or remove water vapor from, gaseous, liquid or solid matter. The term does not include any nonmechanical ice chest or ice box for household use. Also, the

term does not include a mechanical refrigerator for household use which has a net capacity of 16 cubic feet or less (National Electric Manufacturers Association rating) unless all three of the following apply: (i) it is designed for the storage of frozen foods or for the quick freezing of food, and (ii) the low temperature compartment is designed for normal operation at less than 15 degrees above zero, Fahrenheit, and (iii) the low temperature compartment contains more than three-quarters of the total refrigerating space in the refrigerator.

(2) "Refrigerant" means ice, ammonia, carbon dioxide, methyl chloride, sulphur dioxide, or a chlorinated hydrocarbon refrigerant as defined in Order M-28.

(3) "Parts and materials" means all parts including cold storage doors, devices, commodities, equipment, accessories, necessary service tools) and materials suitable for use in or with a system, except chlorinated hydrocarbon refrigerants as defined in Order M-28.

(4) "Emergency maintenance" means the very least amount of upkeep needed to continue a system, already installed, in sound working condition. It does not include the improvement of any system or part of a system by replacing parts and materials which are still usable, with parts and materials of larger capacity or of a better kind, quality, or design.

(5) "Emergency repair" means fixing a system, already installed, after it has broken down or when it is about to break down. It does not include the improvement of any system or part of a system by replacing parts and materials which are still usable with parts and materials of larger capacity or of a better kind, quality, or design.

(6) "Service agency" means any individual, partnership, association, business trust, corporation, or other organized group of persons, whether incorporated or not, which engages in repairing systems belonging to others.

(7) "Largest inventory allowed" means an inventory not larger than the inventory of the parts and materials needed to continue emergency repair and emergency maintenance service for a 60-day period according to the current method and rate of operation. The size of the inventory shall be measured by its dollar value. In taking inventory the service agency shall include in its largest inventory allowed its entire stock of new parts held by it, and any other parts (whether usable or not) received by exchange and which it has failed to recondition or dispose of in accordance with paragraph (i) (Required disposal of replaced parts) of this order.

(c) *Assignment of preference ratings.* The following preference ratings and allotment symbols are assigned to orders placed by any service agency for delivery of parts and materials to it:

Class I: (1) AA-1—MRO, for parts and materials needed by the service agency in the emergency maintenance or emergency repair of systems used in industrial food manufacturing, processing, packaging, preservation, storage, or transportation; or in the conduct of other activities, or in the

manufacture of products, or in the rendering of services, listed in Schedule I of CMP Regulations 5 and 5A. (But this rating is not assigned to orders for parts and materials to be used in systems of restaurants, hotels, or retail stores; or in systems of soft drink or malt beverage processors or dispensers; or in milk cooling systems on farms.)

Class II: (2) AA-2—MRO, for parts and materials (1) needed by the service agency in the emergency maintenance or emergency repair of systems used in restaurants, hotels, or retail stores (except air conditioning systems used in restaurants, hotels, or retail stores); or of milk cooling systems on farms; or of systems used in the manufacture of products, or in the conduct of activities, or in the rendering of services, listed in Schedule II of CMP Regulations 5 and 5A; or (ii) needed by the service agency in building up its inventory to the largest inventory allowed.

Class III: (3) AA-5—MRO, for parts and materials needed by the service agency in the emergency maintenance or emergency repair of systems (except air conditioning systems) used in the manufacture of products, or in the conduct of activities, or in the rendering of services, which are not listed in Schedule I or II of CMP Regulations 5 or 5A or in Class II (above).

(d) *Restrictions on application of preference ratings.* (1) Except to build up its inventory to the largest inventory allowed as provided in paragraph (c) (2) (Class II), no service agency shall apply a rating to an order for parts and materials unless it has actually undertaken a job for which those parts and materials are needed. When a service agency, however, has the right to apply a Class I or II rating to an order for parts and materials, then it may take them from its inventory and apply the rating to get the same kind, quality, and quantity of parts and materials to replace them.

(2) No service agency shall apply any ratings assigned by this order:

(i) To get parts and materials which will increase its inventory above the largest inventory allowed, or

(ii) To get parts and materials to be used in a new system, or to expand an existing system, or

(iii) To get parts to improve any system or part of a system by replacing parts and materials which are still usable with parts and materials of a larger capacity, or of a better kind, quality, or design, or

(iv) To get parts and materials to recondition any system which is not already installed.

(e) *Restriction on use of inventory.* No service agency shall take parts and materials from its inventory for use in systems in Class III. The purpose of this restriction is to reserve parts and materials in inventory for the emergency repair and maintenance of the more essential systems in Classes I and II. When a service agency has actually undertaken a job for the emergency maintenance or emergency repair of a system in Class III and needs parts and materials for that system, it must place an order for the parts and materials with its supplier. It may not apply a rating higher than the Class III rating to the order.

(f) *Controlled materials.* A service agency may use the CMP allotment sym-

bol MRO to place an authorized controlled material order for controlled materials (steels sheets, copper wire, copper tubing, etc.) for the same purposes for which it can use the Class I or II rating. It cannot, however, use the CMP allotment symbol MRO to get aluminum. Also, the service agency cannot buy controlled materials for any use to which a Class III rating is given unless it gets special permission. The next paragraph tells how to get this special permission.

(g) *Special permission.* Any service agency needing controlled materials, except aluminum, which it cannot get under this order, may apply at the nearest office of the War Production Board on Form WPB-541 (formerly Form PD-1A) for the right to use the MRO symbol to get controlled materials, except aluminum. Also, any service agency needing parts and materials which cannot get them with the ratings assigned in this order, may apply to the nearest office of the War Production Board for a higher rating by using the same form. Any service agency needing aluminum may obtain it in the manner provided in CMP Regulation 5, paragraph (g-1); or CMP Regulation 5A, paragraph (h) (2).

(h) *How a service agency places purchase orders for parts and materials—*

(1) *Application of ratings.* The service agency using the ratings given by this order shall endorse on the original and all copies of each purchase order, or contract, for parts and materials placed by it which are to be rated under this order, a certification in substantially the following form (with the blank spaces filled in) signed in handwriting, or as provided in Priorities Regulation 7, by each agency or its agent or official duly authorized for this purpose:

Preference Rating AA _____ MRO

As an authorized official of the purchaser, I certify, subject to criminal penalties for misrepresentation, that the use of any preference rating or allotment number or symbol which is placed on this order is authorized and that the items ordered will be received and used or disposed of in compliance with all applicable regulations and orders of the War Production Board, including Order P-125.

(Name)
By _____
(Authorized Official)

(2) *Authorized controlled material orders.* A service agency ordering controlled materials for a Class I or Class II purpose (or for any other purpose for which special permission has been given under paragraph (g)) shall endorse the certification in the previous paragraph on the original and all copies of each purchase order, substituting the phrase "CMP Allotment Symbol MRO" for the phrase "Preference Rating AA _____ MRO". A purchase order bearing such an endorsement shall constitute an Authorized Controlled Material order for the purpose of all CMP Regulations.

(i) *Required disposal of replaced parts.* (1) No service agency shall deliver any new part to a person who owns or uses the system in which it is to be installed unless the delivery is made upon condition that any replaced used part made of metal will be disposed of in either of

two ways; through regular scrap channels within thirty (30) days after the installation of the new part, or by delivery to the service agency.

The service agency shall take all the used parts delivered to it during any calendar quarter and shall do one of three things. The service agency shall repair and place the used part in its inventory, or return the used part to its supplier of new parts, or dispose of the used part through regular scrap channels within thirty (30) days after the end of the calendar quarter. No block tin pipe, however, shall be replaced in a system unless an equal quantity of block tin pipe is returned to the fabricator.

(2) These requirements for the disposal of replaced parts shall not apply:

(i) Where parts are delivered for installation in any system located outside of the United States at the time of such delivery, or

(ii) Where the system is being used directly by the Army, Navy, Maritime Commission, or War Shipping Administration, or

(iii) Where the system is owned by any Federal, State or local Government agency, bureau, department or political subdivision which is prohibited by law from disposing of replaced parts in this way.

(j) *Construction.* When emergency maintenance or emergency repair involves construction, authorization to construct must be obtained to the extent required by Conservation Order L-41 or by any other applicable order or regulation of the War Production Board.

(k) *Miscellaneous provisions—* (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(2) *Records.* Each service agency shall keep and preserve for not less than two years copies endorsed by it of all purchase orders or contracts placed by it to which it applies any rating or symbol assigned under this order, and also a separate record of each service job in the performance of which it uses parts or materials rated under this order, including the names and addresses of all its customers with a list of parts and materials used on each job.

All service agencies shall keep and preserve for not less than two years accurate and complete records of inventories of parts and materials for systems.

All records required to be kept by this order and the applicable regulations shall upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All service agencies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from

and stating fully the grounds of the appeal.

(5) *Communications.* All reports to be filed, appeals and other communications concerning this order shall be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Reference: P-126.

(6) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(1) *Revocation and its effects.* All serial numbered counterparts of Preference Rating Order P-126 now outstanding are hereby revoked, but deliveries already rated pursuant to that order shall be completed in accordance with that order. No additional application of ratings to any other deliveries shall be made under that order, or its serial numbered counterparts, after the effective date of this amendment. This order as amended shall not affect in any way any liabilities or penalties accrued or incurred under Preference Rating Order P-126, or its serial numbered counterparts, before the effective date of this amendment.

Issued this 15th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15059; Filed, September 15, 1943; 11:42 a. m.]

PART 3291—CONSUMERS DURABLE Goods¹
[General Limitation Order L-227, as amended
September 15, 1943]

FOUNTAIN PENS AND MECHANICAL PENCILS

Section 3291.210¹ (General Limitation Order L-227) is hereby amended to read as follows:

(a) *Definitions.* For the purposes of this order:

(1) "Fountain pen" means a writing device which can hold more fluid than that retained by capillary attraction on the surface of its pen nib. A dip pen is a fountain pen whether or not a pen nib is attached to it.

(2) "Mechanical pencil" means a writing instrument having a movable core of marking material encased in a housing.

(3) "Manufacturer" means a person who produces or assembles fountain pens, or mechanical pencils or who manufactures or assembles any parts or repair parts made specifically for incorporation into these products.

(4) "Part" means any part made specifically for incorporation into a fountain pen or mechanical pencil except a repair part.

(5) "Repair part" means any part made specifically for incorporation into

a fountain pen or mechanical pencil which is not produced for or used in a new fountain pen or mechanical pencil.

(6) "Special order" means any order, contract or subcontract placed by or for the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores), the United States Maritime Commission, the War Shipping Administration, the Government of Canada, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), and government agencies or other persons acquiring products covered by this order for export to any foreign country under a license issued by the Office of Economic Warfare.

(b) *Specifications for fountain pens, mechanical pencils, parts and repair parts.* No manufacturer shall use any iron, steel, stainless steel, copper, copper base alloy, zinc or crude, reclaimed or synthetic rubber in the manufacture of fountain pens and mechanical pencils or parts or repair parts thereof, except:

(1) Low carbon steel for functional parts of fountain pens, other than pen nibs made specifically for incorporation into a fountain pen:

(2) For functional parts of mechanical pencils not more than 8 pounds of low carbon steel per 1,000 pencils:

(3) Parts and repair parts already or partly fabricated from zinc before September 15, 1943, if zinc was used as permitted by any order in the M-11 series:

(4) Copper in the production of silver or 14 karat gold pen nibs:

(5) Crude, reclaimed or synthetic rubber as permitted in Rubber Order R-1, as amended, or any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

(c) *Limitation on production of fountain pens and mechanical pencils, for all purposes.* From July 1, 1943, through September 30, 1943, no manufacturer shall produce more than:

(1) 8 3/4% of the total number of steel pen nib fountain pens produced by him during 1941;

(2) 12 1/2% of the total number of gold pen nib fountain pens produced by him during 1941;

(3) 11 3/4% of the total number of mechanical pencils produced by him during 1941.

(d) *Restrictions on production and delivery of fountain pens and mechanical pencils to fill special orders.* (1) On or after October 1, 1943, no manufacturer shall produce or deliver any fountain pens or mechanical pencils to fill special orders except according to quotas specifically approved by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer must file this form with the War Production Board on or before the 15th days of March, June, September and December, showing his proposed production and delivery.

(e) *Restrictions on the production of fountain pens or mechanical pencils for other than special orders.* For other than special orders, during the calendar quarter beginning October 1, 1943, and during each calendar quarter after that,

no manufacturer shall produce more than:

(1) 5 1/2% of the total number of steel pen nib fountain pens produced by him during 1941;

(2) 7 1/2% of the total number of gold pen nib fountain pens produced by him during 1941;

(3) 5% of the total number of mechanical pencils produced by him during 1941.

(f) *Limitation on production of parts and repair parts for fountain pens and mechanical pencils for all purposes.* (1) From July 1, 1943, through September 30, 1943, and during each calendar quarter after that, no manufacturer shall produce more parts, in addition to those which he assembles into completed fountain pens or mechanical pencils, than:

(i) 12 1/2% of the number of parts for fountain pens which he produced for sale to others as parts (not as assembled fountain pens) during 1941.

(ii) 11 3/4% of the number of parts for mechanical pencils which he produced for sale to others as parts (not as assembled mechanical pencils) during 1941.

(2) From July 1, 1943, through September 30, 1943, and during each calendar quarter after that, no manufacturer shall produce more than 20% of the number of repair parts produced by him during 1941.

(g) *Special paragraph on plating.* No manufacturer shall use in the production of fountain pens or mechanical pencils any plating, coating or other metal finish containing:

(1) Zinc, tin, cadmium or nickel;

(2) Copper except as permitted by Order M-9-c.

(h) *Reports.* Every manufacturer producing any fountain pens and mechanical pencils, parts or repair parts, shall file with the War Production Board, Washington 25, D. C., Ref.: L-227, Form WPB-2719 (formerly PD-880) on or before the 15th days of March, June, September and December, executed in accordance with the instructions for filing that form.

(i) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of fountain pens and mechanical pencils, inventories of raw materials, semi-processed materials, or finished parts in quantities greater than the minimum amount necessary to maintain production at the rates permitted by this order.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any appeal from the provisions of this order should be filed on Form WPB-1477 (formerly PD-500).

(l) *Applicability of other orders and regulations.* This order and all transac-

¹ Formerly Part 3138, § 3138.1.

tions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of fountain pens and mechanical pencils to a greater extent than does this order, the other order shall govern unless it states otherwise.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L-227.

Issued this 15th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15061; Filed, September 15, 1943; 11:41 a. m.]

PART 3291—CONSUMERS DURABLE GOODS
[General Limitation Order L-227-a]

PEN NIBS

§ 3291.211 General Limitation Order L-227-a—(a) *Definitions.* For the purposes of this order:

(1) "Pen nib" means a removable writing point for use in a pen holder and designed to put writing fluid on a writing surface.

(2) "Pen holder" means any instrument designed to hold a pen nib in position for writing, except a fountain pen as defined by Order L-227.

(3) "Manufacturer" means any person who manufactures or produces pen nibs.

(4) "Special order" means any order, contract or subcontract placed by or for the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores), the United States Maritime Commission, the War Shipping Administration, the Government of Canada, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) and government agencies or other persons acquiring products covered by this order, for export to any foreign country under a license issued by the Office of Economic Warfare.

(b) *Specifications for pen nibs.* No manufacturer shall use any iron, steel, stainless steel, copper, copper base alloy or zinc in the manufacture of pen nibs except carbon steel.

(c) *Limitation on production of pen nibs for all purposes.* During the period July 1, 1943, through September 30, 1943, no manufacturer shall produce more than 46 1/4% of the pen nibs by gross produced by him during 1941.

(d) *Restrictions on production of pen nibs to fill special orders.*

(1) On or after October 1, 1943, no manufacturer shall produce or deliver any pen nibs to fill special orders except according to quotas specifically approved by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer must file this Form with the War Production Board on or before the 15th days of March, June,

September and December, showing his proposed production and delivery.

(e) *Restrictions on production of pen nibs for other than special orders.* For other than special orders, during the calendar quarter beginning October 1, 1943, and during each calendar quarter after that, no manufacturer shall produce more than 18 1/2% of the pen nibs by gross produced by him during 1941.

(f) *Reports.* Every manufacturer producing any pen nibs shall file with the War Production Board, Washington, D. C., Ref: L-227-a, Form WPB-2719 (formerly PD-880) on or before the 15th days of March, June, September and December, executed in accordance with the instructions for filing that Form.

(g) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of pen nibs, inventories of raw materials, semi-processed materials or finished parts in quantities greater than the minimum amount necessary to maintain production at the rates permitted by this order.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any appeal from the provisions of this order should be filed on Form WPB-1477 (formerly PD-500).

(j) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of pen nibs to a greater extent than does this order, the other order shall govern unless it states otherwise.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L-227-a.

Issued this 15th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15062; Filed, September 15, 1943; 11:42 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-227-b]

WOOD CASED PENCILS AND PEN HOLDERS

§ 3291.212 General Limitation Order L-227-b—(a) *Definitions.* For the purposes of this order:

(1) "Wood cased pencil" means a writing instrument having a non-movable core of marking material encased in a sheath more than .010 of an inch thick,

(2) "Pen holder" means an instrument designed to hold a pen nib in position for writing, except fountain pens as defined in Order L-227.

(3) "Manufacturer" means any person who manufactures or assembles wood cased pencils or pen holders.

(b) *Specifications for wood cased pencils and pen holders.* No manufacturer shall use in the manufacture of wood cased pencils or pen holders any:

(1) Iron, steel, stainless steel, copper, copper base alloy or zinc;

(2) Crude, reclaimed or synthetic rubber except as permitted in Rubber Order R-1, as amended, or any relief granted pursuant to an appeal taken in accordance with the provisions of such order.

(c) *Limitation on production of wood cased pencils and pen holders.* (1) From July 1, 1943, through September 30, 1943, no manufacturer shall produce more than:

(i) 22% of the number of wood cased pencils produced by him during 1941;

(ii) 31 1/4% of the number of pen holders produced by him during 1941.

(2) During the calendar quarter beginning October 1, 1943, and during each calendar quarter after that, no manufacturer shall produce more than:

(i) 20 1/4% of the number of wood cased pencils produced by him during 1941;

(ii) 24% of the number of pen holders produced by him during 1941.

(d) *Reports.* Every manufacturer producing any wood cased pencils and pen holders shall file with the War Production Board, Washington 25, D. C., Ref: L-227-b, Form WPB-1600 (formerly PD-655) on or before the 15th days of October, January, April and July, executed in accordance with the instructions for filing that Form.

(e) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of wood cased pencils and pen holders, inventories of raw materials, semi-processed materials, or finished parts in quantities greater than the minimum amount necessary to maintain production at the rates permitted by this order.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order should be filed on Form WPB-1477 (formerly PD-500).

(h) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of wood cased pencils and pen holders to a greater extent than does this order, the other order shall govern unless it states otherwise.

(d) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-227-b.

Issued this 15th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN.
Recording Secretary.

[F. R. Doc. 43-15063; Filed, September 15, 1943; 11:41 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-267]

PHOTOGRAPHIC AND PROJECTION EQUIPMENT,
ACCESSORIES, AND PARTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.145 *General Limitation Order L-267-(a) Definitions.* For the purposes of this order:

(1) "Restricted photographic equipment" includes any of the following, when containing any critical materials except in joining hardware: Still cameras (except aerial), motion picture cameras (except aerial gun sight aiming point), motion picture projectors (except 35 mm motion picture projectors), still projectors and enlargers. It does not include any equipment covered by Limitation Order L-54-c (office machinery), L-206 (X-ray equipment), or L-226 (printing and publishing machinery, parts and supplies).

(2) "Restricted photographic accessories" includes any of the following, when containing any critical materials except in joining hardware or fasteners: Camera accessories, 16 mm and 8 mm projection accessories, 35 mm reels and cans, darkroom and studio accessories, photographic lenses in mounts, photographic shutters for still cameras other than built-in shutters, and photographic carrying cases.

(3) "Critical materials" means iron, carbon steel, alloy steel, aluminum, zinc, copper and copper base alloy.

(4) "To put into process" means the first change by a manufacturer in the form of material (whether raw, semi or fully fabricated material) from that form in which it is received by him or the first assembly by a manufacturer of material which is not changed in form by him.

(5) "Preferred order" means any purchase order or contract for the account of the Army, Aircraft Resources Control Office (ARCO), Navy, Coast Guard, Marine Corps, Maritime Commission, Office of Strategic Services of the United States, or armed forces of foreign governments allied to the United States.

(b) *Restrictions on the use of critical materials in the production of portable amateur box and fixed focus still cameras, amateur 8 mm cameras, 8 mm projectors and parts.* No manufacturer shall process any critical materials in the production of portable hand cameras of the amateur box or fixed focus type, amateur 8 mm cameras, 8 mm projectors or parts for such products.

(c) *Restrictions on the production and delivery of restricted photographic equipment and restricted photographic accessories and parts for preferred orders.* (1) No manufacturer shall produce or deliver any restricted photographic equipment, restricted photographic accessories, or parts for such equipment or accessories to fill preferred orders, except in accordance with quotas specifically approved by the War Production Board on Form WPB-3038.

(2) Each manufacturer must file Form WPB-3038 with the War Production Board on or before the fifteenth of March, June, September and December, showing his proposed production and delivery for preferred orders.

(3) In passing on these forms it will be the general policy of the War Production Board to distribute preferred orders for restricted photographic equipment, restricted photographic accessories, and parts for such equipment and accessories throughout the industry, taking into consideration the productive capacities of the various plants, the needs of the preferred claimants, the adaptability of various plants to the production of the specific items ordered, and the nature of the labor market. The War Production Board will give notice to all manufacturers of the total estimated dollar value of preferred order shipments and the individual percentage of such total tentatively allocated to each manufacturer.

(d) *Restrictions on production and delivery of restricted photographic equipment, restricted photographic accessories and parts for other than preferred orders.* (1) During the calendar quarter beginning October 1, 1943, and during each calendar quarter after that, no manufacturer shall put into process in the production of restricted photographic equipment, restricted photographic accessories or parts for such equipment or accessories to fill other than preferred orders more critical materials than 3% of the weight of the critical materials processed by him in his entire 1941 production of such products.

(2) No manufacturer shall produce any restricted photographic equipment, restricted photographic accessories or parts for such equipment or accessories for other than preferred orders, except in accordance with quotas specifically approved by the War Production Board on Form WPB-3038.

(3) Each manufacturer must file Form WPB-3038 with the War Production Board on or before the fifteenth of March, June, September and December, showing his proposed production and delivery for other than preferred orders. In passing on these forms it will be the general policy of the War Production Board not to authorize production of any restricted photographic equipment, restricted photographic accessories or parts for such equipment or accessories which are not required to fill the needs stated in paragraph (d) (4).

(4) No manufacturer shall deliver any restricted photographic equipment or restricted photographic accessories for other than preferred orders except as authorized by the War Production Board on Form WPB-1319 (formerly PD-556), filed by the prospective user. In authorizing deliveries special consideration will be given to the needs of Federal, State and Municipal Government Departments and Agencies, war plants, war research, hospitals, physicians, medical technicians, educational institutions for vocational training (projection equipment and projection accessories only), and printing and publishing industries (still cameras and still camera accessories only).

(e) *Special provision with reference to critical materials in process.* Notwithstanding the provisions of this order, any manufacturer who has put into process critical materials in the production of restricted photographic equipment, restricted photographic accessories or parts for such equipment or accessories before September 15, 1943, pursuant to appeals or authorizations granted under any order of the War Production Board, may complete this production and freely deliver to fill preferred orders, but no deliveries to fill other than preferred orders shall be made except as authorized by the War Production Board on Form WPB-1319 (formerly PD-556).

(f) *Applicability of regulations and other orders.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of restricted photographic equipment, restricted photographic accessories, or parts for such equipment and accessories to a greater extent than does this order, the other order shall govern unless it states otherwise.

(g) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500).

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-267.

Issued this 15th day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-15060; Filed, September 15, 1943; 11:42 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 45,¹ Amdt. 3]

EXEMPTION FROM PRICE CONTROL OF CERTAIN COMMODITIES AND SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Paragraph (3) of Supplementary Order No. 45 is amended by striking from among the items listed thereunder the term "cathedral glass."

This order shall become effective September 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15024; Filed, September 14, 1943; 4:49 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1B,² Amdt. 1]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 1B is amended in the following respects:

1. In the last sentence of section 2.1 (a) (6), "section 2.22" is changed to read "section 2.23".

2. Section 2.7 is amended by the addition of paragraphs (b), (c), (d), (e) and (f) as follows:

(b) *Amount of allotment of passenger-type tires.* Each applicant may be allotted a number of passenger-type tires not to exceed 25% of his total sales of passenger-type tires during the calendar year 1941, but any applicant shall, if application is granted, be entitled to at least twenty (20) passenger-type tires, provided, that a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of passenger-type tires (including Part B of certificates authorizing acquisition of passenger-type tires) as of the date of his application.

(c) *Amount of allotment of truck-type tires.* Each applicant may be allotted a number of truck-type tires not to exceed 25% of his total sales of truck-type tires during the calendar year 1941, but any applicant shall, if application is granted, be entitled to at least twenty (20) truck-type tires, provided that a certificate shall be granted to authorize

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 5529, 6672, 10980.

² 8 F.R. 9551.

No. 184—3

the acquisition of no more than the difference between such allotment and his inventory of truck-type tires (including Part B of certificates authorizing acquisition of truck-type tires) as of the date of his application.

(d) *Allotment of tubes.* Each applicant who has been authorized to acquire an allotment of tires under paragraphs (b) and (c) may be granted a certificate by the Director to acquire one tube of corresponding type for each tire that he has been authorized to acquire.

(e) *One allotment only.* The Director shall grant only one allotment to an applicant under paragraph (b), one allotment under paragraph (c), and one allotment under paragraph (d) for each establishment.

(f) *Calculation of sales by dealers in business only part of 1941.* In determining his allotments under this section, an applicant who was a dealer for at least one (1) month in 1941 but for less than the entire year, may calculate his retail and wholesale net dollar sales of passenger-type and truck-type tires and tubes by multiplying by twelve (12) his average monthly sales for the time during 1941 that he was a dealer.

3. In section 2.11 (a), "section 2.21 (a)" is changed to read "section 2.23 (a)".

4. In sections 2.11 (a), 2.12 (b), and 2.16 (a) (1) (i) "section 2.1 (e)" is changed to read "section 2.1 (a) (5) (i)".

5. In section 2.16 (b) (1), the phrase "good for implement or tractor tires only" is changed to read "good for (truck- or passenger-type) camelback only."

6. Section 2.31 is amended by the addition of the following paragraph (f):

(f) *Discrimination by dealers.* Except as otherwise provided in this ration order, no dealer shall discriminate in the transfer of tires, tubes, or recapping service among any consumers lawfully entitled to acquire tires, tubes, or recapping service under the provisions of this ration order by selling only to favored consumers or classes of consumers, or only to regular customers, or by refusing to sell to others who are entitled to acquire tires, tubes, or recapping service under the provisions of this ration order.

This amendment shall become effective September 20, 1943.

(Pub. Law 671, 78th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719, W.P.B. Directive No. 1, Supp. Dir. No. 1-J, as amended, 7 F.R. 582, 5043, 8731; Supp. Dir. No. 1-Q, as amended, 8 F.R. 2013, Rev. General Order No. 20, 8 F.R. 2416)

Issued this 14th day of September 1943.

JORGE L. CORDOVA,
Acting Director.

Approved:

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 43-15019; Filed, September 14, 1943; 4:45 p. m.]

PART 1340—FUEL

[MPR 120,¹ Amdt. 61]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect.

1. In § 1340.210 (a) (4) the last clause is amended to read as follows:

, and if he separately states the amount of the tax in sales to all purchasers except the United States or any agency thereof.

This amendment shall become effective September 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15027; Filed, September 14, 1943; 4:30 p. m.]

PART 1340—FUEL

[Rev. MPR 122,² Amdt. 12]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respect:

In § 1340.265 (b), a new sentence is added to read as follows:

However, on a sale to the United States or any agency thereof, the dealer need not state separately from his selling price the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942.

This amendment shall be effective September 20, 1943.

NOTE: The reporting and record-keeping provisions of Amendment No. 10 to Revised Maximum Price Regulation No. 122 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER A. BOWLES,
Acting Administrator.

[F. R. Doc. 43-15028; Filed, September 14, 1943; 4:49 p. m.]

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6525, 6524, 6744, 6998, 7777, 7870, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1829, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2921, 2997, 3216, 3855, 4258, 4717, 4785, 5477, 6443, 7200, 8504, 9018, 10936, 11806, 11689, 11755.

² 8 F.R. 440, 1200, 3524, 4510, 5632, 6543, 7198, 8179, 8754, 10358, 11143, 11690.

FEDERAL REGISTER, Thursday, September 16, 1943

PART 1346—BUILDING MATERIALS
[MPR 413,¹ Amdt. 2]

HINGES AND BUTT HINGES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 413 is amended in the following respects:

1. Section 8 (b) is amended to read as follows:

(b) *Sales by jobbers located in Zone 2.* The maximum prices for sales of hinges or butt hinges by jobbers located in Zone 2, except sales at retail, sales as a retailer, or sales pursuant to a contract sale, shall be the prices specified in section 21 subject to the following successive discounts:

	Percent
Starred items.....	40 and 5
Unstarred items.....	40

(1) *Delivery charges.* A jobber located in Zone 2 shall be permitted to collect from his purchaser as a part of his maximum price the charge of securing delivery from the manufacturer on the basis of:

(i) An amount representing the actual cost of securing delivery from the manufacturer's shipping point to the place where the jobber takes delivery. In such case, the amount of the actual delivery charge must be shown as a separate item on the purchaser's invoice; or

(ii) An amount computed on a carload lot basis from the manufacturer's shipping point to the place where the jobber takes delivery: *Provided*, That in no event shall the amount exceed the actual delivery charges permitted under subparagraph (i) above.

If a jobber chooses the method outlined in subparagraph (ii) above he must establish a new list price for each item listed in section 21 which he sells including the delivery charge computed on a carload lot basis from the manufacturer's shipping point to the place where the jobber takes delivery and must comply with the provisions of section 11 (b).

2. The text of section 11 is designated paragraph (a) and a new paragraph (b) is added to read as follows:

(b) *Filing of list price by jobbers located in Zone 2 including delivery charges in order to use the alternative method of collecting such delivery charges as provided for under section 8 (b) (1) (ii).* In order to use the alternative method of collecting delivery charges set forth in section 8 (b) (1) (ii) jobbers located in Zone 2 shall on or before October 15, 1943, prepare and file in duplicate with the Office of Price Administration, Building Materials Branch, Washington, D. C., a new list price, including delivery charges on a carload lot basis, for each item listed in section 2, which he sells, together with a statement showing how the delivery charges were computed on each such item.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 8948, 9774, 11375.

This amendment shall become effective September 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15025; Filed, September 14, 1943; 4:49 p. m.]

ing accommodations on the maximum rent date.

This amendment shall become effective September 15, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15030; Filed, September 14, 1943; 4:51 p. m.]

PART 1393—ICE

[MPR 154,¹ Amdt. 6]

ICE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation 225 is amended in the following respects:

1. Section 1347.472 (a) (10) is amended to read as follows:

(10) "Paper" and paper products" shall, for the purpose of this Maximum Price Regulation 225, include all kinds, types, and grades of paper, paperboard and cellophane-type materials (regenerated cellulose, cellulose acetate and ethyl cellulose).

2. Section 1347.475 is amended to add two new headings at the end of the section as follows:

Wallpaper.
Unframed printed pictures.

This amendment shall become effective September 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15029; Filed, September 14, 1943; 4:51 p. m.]

This amendment shall become effective September 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15031; Filed, September 14, 1943; 4:51 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 392,² Amdt. 2]

PACKAGED DRUGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 392 is amended in the following respects:

1. The first paragraph of section 10 is designated "(a)," the second paragraph is designated "(c)" and a new paragraph (b) is inserted to read as follows:

(9) On the date determining the maximum rent the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant, and as a result the rent on that date was substantially lower than the rent generally prevailing in the defense-rental area for comparable hous-

¹ 7 F.R. 5139, 5276, 5944, 8940, 8948; 8 F.R.

1270, 7593, 8844, 10514.

² 8 F.R. 6262.

elect to establish maximum prices therefor under section 6 (a) if he thereby establishes lower maximum prices for his own sales to all classes of purchasers. In so doing, however, he must establish all the maximum prices specified in section 6 (a). In making the determination of maximum prices under the provisions of section 6 (a) he shall consider the packaged drug being priced both as the new and the most comparable packaged drug and use as the base price for computing the new maximum prices the existing base price for the packaged drug reduced by the same percentage as he proposes to reduce the maximum prices for his own sales.

Where the maximum price established under this paragraph (b) for a manufacturer's sales to any governmental or institutional purchaser is lower than the lowest maximum price established under this paragraph (b) for his sales to wholesalers or retailers, he may use his previously established maximum price to such governmental or institutional purchaser or such lowest maximum price to a wholesaler or retailer, whichever is lower, as the maximum price for his sales to such governmental or institutional purchaser.

2. Section 11 (b) is amended to read as follows:

(b) (1) Where a manufacturer has determined maximum prices for a packaged drug under section 10 (a) he shall file with the Office of Price Administration in Washington, D. C., a report showing the original and lowered maximum prices for sales by all sellers of such packaged drug.

(2) Where a manufacturer has established maximum prices for a packaged drug under section 10 (b) he shall submit by registered mail to the Office of Price Administration in Washington, D. C., a report on the form specified in section 22 containing the information required under case 1 (Part A only, omitting item 5) of the form and stating on the form that maximum prices have been determined under section 10 (b).

3. Section 12 (a) (1) is amended by changing the words "6 through 16" to "6 through 10."

This amendment shall become effective September 20, 1943.

NOTE.—The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 756; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15033; Filed, September 14, 1943; 4:50 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 393,¹ Amdt. 21]

PACKAGED COSMETICS

A statement of the considerations involved in the issuance of this amendment,

issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 393 is amended in the following respects:

1. The first paragraph of section 10 is designated "(a)", the second paragraph is designated "(b)," the third paragraph is designated "(d)" and a new paragraph (c) is inserted to read as follows:

(c) This paragraph (c) applies to any packaged cosmetic priced under section 5 or to any packaged cosmetic priced under any other section of this regulation which is sold under the same name and has the same maximum prices as a packaged cosmetic priced under section 5. The manufacturer of such a packaged cosmetic may elect to establish maximum prices therefor under section 6 (a) if he thereby establishes lower maximum prices for his own sales to all classes of purchasers. In so doing, however, he shall establish all the maximum prices specified in section 6 (a). In making the determination of maximum prices under the provisions of section 6 (a) he shall consider the packaged cosmetic being priced both as the new and the most comparable packaged cosmetic, but in computing the new maximum prices, the number of units of quantity used (when the packaged cosmetic is considered as the new packaged cosmetic) shall be the actual number contained therein reduced by the same percentage as he proposes to reduce his own maximum prices.

Where the maximum price established under this paragraph (c) for a manufacturer's sales to any governmental or institutional purchaser is lower than the lowest maximum price established under this paragraph (c) for his sales to wholesalers or retailers, he may use his previously established maximum price to such governmental or institutional purchaser or such lowest maximum price to a wholesaler or retailer, whichever is lower, as the maximum price for his sales to such governmental or institutional user.

2. Section 11 (b) is amended to read as follows:

(b) (1) Where a manufacturer has determined maximum prices for a packaged cosmetic under section 10 (a) or (b) he shall file with the Office of Price Administration in Washington, D. C., a report showing the original and lowered maximum prices for sales by all sellers of such packaged cosmetic.

(2) Where a manufacturer has established maximum prices for a packaged cosmetic under section 10 (c) he shall submit by registered mail to the Office of Price Administration in Washington, D. C. a report on the form specified in section 23 containing the information required under case 1 of the form and stating on the form that maximum prices have been determined under section 10 (c).

This amendment shall become effective September 20, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 756; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15032; Filed, September 14, 1943; 4:50 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 395, Amdt. 4]

MAXIMUM PRICES FOR SOAP IN THE VIRGIN ISLANDS OF THE UNITED STATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 23 Table XI is amended to read as follows:

TABLE XI.—MAXIMUM RETAIL PRICES FOR CERTAIN TYPES OF LAUNDRY AND TOILET SOAPS

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
1. Soap, laundry	1 lb.	\$0.10	\$0.10	\$0.11
2. Soap, toilet, Victory brand ("Victoria")	(3½ oz. bar) (2½ oz. bars)	.06 .12	.06 .12	.07 .13

This amendment shall become effective September 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15034; Filed, September 14, 1943; 4:49 p. m.]

PART 1425—LUMBER DISTRIBUTION

[MPR 467]

DISTRIBUTION YARD SALES OF HARDWOOD LUMBER

In the judgment of the Price Administrator, the maximum prices established

by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1425.17 Maximum prices for distribution yard sales of hardwood lumber. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 467 (Distri-

¹ Copies may be obtained from the Office of Price Administration.

² 8 F.R. 6621, 6673, 9596, 11433.

bution Yard Sales of Hardwood Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 14.2517, issued under 56 Stat. 23, 765; Public Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 467—DISTRIBUTION YARD SALES OF HARDWOOD LUMBER

CONTENTS

Sec.

1. Distribution yard sales of hardwood lumber at higher than maximum prices prohibited.
2. To what products and persons this regulation applies.
3. To what transactions this regulation applies.
4. Maximum prices, f. o. b. yard, for rough air dried lumber in standard or near standard grades.
5. Additions for special widths and lengths (other than exact widths and lengths).
6. Additions for kiln dried lumber and for workings.
7. Maximum prices, f. o. b. yard, for lumber in special grades or items, or with special services.
8. Maximum prices for hardwood dunnage.
9. Additions for delivery.
10. Invoicing requirements.
11. Prohibited practices.
12. Records and reports.
13. Applications for adjustment and petitions for amendment.
14. Enforcement and licensing.
15. Relation to other regulations.

SECTION 1. *Distribution yard sales of hardwood lumber at higher than maximum prices prohibited.* (a) On and after September 20, 1943, regardless of any contract or obligation, no person shall make a distribution yard sale of hardwood lumber, and no person shall buy or receive in the course of trade or business, hardwood lumber under a distribution yard sale, at prices higher than the maximum prices fixed by this regulation; and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

(c) This regulation does not apply to lumber which has been received before September 20, 1943, by a carrier, other than one owned or controlled by the seller, for shipment to the buyer in a distribution yard sale.

SEC. 2. *To what products and persons this regulation applies—(a) Products covered.* This regulation covers, under the term "hardwood lumber" all grades and items, excepting construction boards, of hardwood lumber covered by the following "direct mill" hardwood lumber maximum price regulations, or any revisions or amendments of these regulations which may be issued:

Revised Maximum Price Regulation No. 97—Southern Hardwood Lumber.¹

Maximum Price Regulation 146—Appalachian Hardwood Lumber.²

Maximum Price Regulation 155—Central Hardwood Lumber.³

¹ 8 F.R. 142, 3530, 5177, 5479, 8860, 10762, 11161, 11690.

² 7 F.R. 3776, 4179, 4852, 5520, 6053, 6998, 7600, 7747, 8198, 8350, 8384, 8948; 8 F.R. 3056, 5479, 8999.

³ 7 F.R. 4108, 4231, 7202, 7780, 8385, 8948; 8 F.R. 3056, 3848, 5479, 9417.

Maximum Price Regulation 223—Northern Hardwood Lumber.⁴

Maximum Price Regulation 368—Northern Hardwood Lumber.⁵

All grade terms used in this regulation have the meaning given in the "Rules for the Measurement and Inspection of Hardwood Lumber" issued by the National Hardwood Lumber Association, effective January 1, 1943. In figuring footage, all lumber 1 inch or thicker is to be figured on board footage, and all lumber less than 1 inch thick is to be figured on surface measure.

(b) *Persons covered.* Any person who makes the kind of sale or purchase covered by this regulation is subject to the regulation. The term person includes an individual, corporation, partnership, association, or any other organized group of persons, or their legal successors, or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

Sec. 3. *To what transactions this regulation applies—(a) In general.* This regulation covers, under the term "distribution yard sale", all sales of hardwood lumber which are not sales "for direct mill shipment" or in which shipment does not "originate at a mill", as those phrases are defined in the maximum price regulation which deals with direct mill shipments of the kind of lumber involved.

(b) *Option to remain under the General Maximum Price Regulation—(1) Which yards have the option.* Any yard which in 1942 received less than 25 percent, by dollar volume, of its yard stock of hardwood lumber from mills or concentration yards (rather than other distribution yards) may elect to have all of its yard sales of hardwood lumber (as defined in this regulation) remain subject to the General Maximum Price Regulation.⁶ This Maximum Price Regulation No. 467 does not apply to sales of lumber out of the stocks of such a yard after it has elected to remain under the General Maximum Price Regulation.

(2) *How the option can be exercised.* A yard can elect to have all of its yard sales of hardwood lumber remain subject to the General Maximum Price Regulation by doing the following two things:

(i) Writing a letter to the Lumber Branch, Office of Price Administration, Washington, D. C., stating that in 1942 it received less than 25 percent, by dollar volume, of its yard stock of hardwood lumber from mills or concentration yards, and that it elects to have all of its yard sales of hardwood lumber remain subject to the General Maximum Price Regulation.

(ii) Posting at the yard a notice, easily visible to the buying public, stating: "Sales of hardwood lumber out of the stock of this yard are subject to the General Maximum Price Regulations."

⁴ 7 F.R. 7445, 8945; 8 F.R. 121, 2783, 5480, 5629, 8945, 10939.

⁵ 8 F.R. 4968, 8541, 10660.

⁶ 8 F.R. 5096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

SEC. 4. *Maximum prices, f. o. b. yard, for rough air dried lumber in standard or near standard grades—(a) Application.* This section provides the method for determining the maximum f. o. b. yard prices for distribution yard sales of rough air dried hardwood lumber in standard or near standard grades. The maximum price is built up as provided below.

(b) *How to "build up" the maximum price.* The maximum price per 1000 feet of rough air dried lumber (excepting dunnage—see Section 8) is the sum of the following items, evened out to the nearest \$2.50 per 1000 feet:

Item I. The basic yard price—figured according to paragraph (c) below ("How to figure the basic yard price").

Item II. A handling charge as follows: \$15.00 on all items up to, but not including, 10^{1/4}" in thickness.

\$25.00 on all items 10^{1/4}" or greater in thickness.

Item III. A mark-up on the sum of ITEMS I and II of:

30 percent on sales of 1000 feet or less
20 percent on sales of over 1000 feet and up to 5000 feet inclusive.

15 percent on sales of over 5000 feet and up to 18,000 feet inclusive.

10 percent on all sales of over 18,000 feet
(In all cases, the size of the sale is determined by the size of the purchaser's order).

(c) *How to figure the basic yard price.* The basic yard price is the sum of the maximum f. o. b. mill price for straight carloads of rough air dried lumber in the standard or near standard grades and species being sold (random widths and lengths), as established in the applicable base mill hardwood lumber regulation, plus an inbound freight allowance computed from the applicable basing point. The applicable base mill hardwood lumber regulation and the applicable basing point shall be determined from Table 1, below. This table sets up for yards in each state, and under separate headings for the various hardwood species, the applicable base mill hardwood lumber regulation to be used in computing the f. o. b. mill price for the particular species, and the applicable basing point to be used in computing the inbound freight allowance. It should be noted that in all cases, including Canadian imports, the base mill hardwood lumber regulation and the freight basing points, as provided in Table 1, shall apply, regardless of the regulation which actually governed the sale to the yard of the particular lumber, and the actual point from which the lumber was shipped.

The inbound freight allowance is to be computed by multiplying the carload freight rate from the applicable basing point to the selling yard by the estimated weight for lumber in the species being sold, as shown in the "Schedule of Estimated Weights" set forth in Table 2, below. In computing the inbound freight allowance, the transportation tax shall be considered as part of the freight.

For example, on a sale of Birch by a yard located in Hartford, Connecticut, the yard shall calculate the basic f. o. b. mill price under Maximum Price Regu-

lation 368—Northeastern Hardwood Lumber, for each grade and thickness, and add a freight allowance computed by

multiplying the carload freight rate including transportation tax from Conifer, New York (the applicable basing point)

to Hartford, Connecticut, by the estimated weights for birch set forth in Table 2.

TABLE 1

Sales From Yards in	Tough Ash ¹		Soft Ash		Basswood		Beech		Birch		Buckeye, Butternut, Cherry and Chestnut	
	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point
Alabama.....	97	New Orleans, La.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	223	Wausau, Wis.	146	Charleston, W. Va.
Arizona.....	97	New Orleans, La.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Arkansas.....	97	Memphis, Tenn.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	223	Wausau, Wis.	146	Rainelle, W. Va.
California.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Colorado.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Connecticut.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Delaware.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
District of Columbia.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Florida.....	97	New Orleans, La.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.
Georgia.....	97	Savannah, Ga.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.
Idaho.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Illinois.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Louisville, Ky.	146	Louisville, Ky.	223	Wausau, Wis.	146	Rainelle, W. Va.
Indiana.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Louisville, Ky.	146	Louisville, Ky.	223	Wausau, Wis.	146	Rainelle, W. Va.
Iowa.....	97	Memphis, Tenn.	97	Alexandria, La.	223	Wausau, Wis.	146	Louisville, Ky.	223	Wausau, Wis.	146	Rainelle, W. Va.
Kansas.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Evansville, Ind.	146	Evansville, Ind.	223	Wausau, Wis.	146	Rainelle, W. Va.
Kentucky.....	97	Memphis, Tenn.	155-SC	Jackson, Tenn.	146	Jackson, Tenn.	146	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Louisiana.....	97	New Orleans, La.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	223	Wausau, Wis.	146	Rainelle, W. Va.
Maine.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Maryland.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Massachusetts.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Michigan.....	97	Memphis, Tenn.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	223	Wausau, Wis.	146	Rainelle, W. Va.
Minnesota.....	97	Memphis, Tenn.	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	223	Wausau, Wis.	146	Rainelle, W. Va.
Mississippi.....	97	Memphis, Tenn.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	223	Wausau, Wis.	146	Rainelle, W. Va.
Missouri.....	97	Memphis, Tenn.	155-SC	Jackson, Tenn.	146	Evansville, Ind.	97	Montgomery, Ala.	223	Wausau, Wis.	146	Rainelle, W. Va.
Montana.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Nebraska.....	97	Memphis, Tenn.	97	Alexandria, La.	223	Wausau, Wis.	146	Evansville, Ind.	223	Wausau, Wis.	146	Rainelle, W. Va.
Nevada.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
New Hampshire.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.
New Jersey.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	268	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
New Mexico.....	97	New Orleans, La.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
New York.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.
North Carolina.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Charleston, W. Va.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.
North Dakota.....	97	Memphis, Tenn.	97	Alexandria, La.	223	Wausau, Wis.	146	Evansville, Ind.	223	Wausau, Wis.	146	Rainelle, W. Va.
Ohio.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	223	Wausau, Wis.	146	Rainelle, W. Va.
Oklahoma.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Oregon.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Pennsylvania.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Rhode Island.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
South Carolina.....	97	Savannah, Ga.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.
South Dakota.....	97	Memphis, Tenn.	97	Alexandria, La.	223	Wausau, Wis.	146	Evansville, Ind.	223	Wausau, Wis.	146	Rainelle, W. Va.
Tennessee.....	97	Memphis, Tenn.	155-SC	Montgomery, Ala.	155-SC	Montgomery, Ala.	155-SC	Montgomery, Ala.	223	Wausau, Wis.	146	Rainelle, W. Va.
Texas.....	97	New Orleans, La.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	223	Wausau, Wis.	146	Rainelle, W. Va.
Utah.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Vermont.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Virginia.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Charleston, W. Va.
Washington.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
West Virginia.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Charleston, W. Va.
Wisconsin.....	97	Memphis, Tenn.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	223	Wausau, Wis.	146	Rainelle, W. Va.
Wyoming.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.

¹ The additions to the F. O. B. Mill prices, permitted "Tough Ash specialty establishments", in RMPR No. 97, may be included when applying the F. O. B. Mill price for this species.

TABLE 1—Continued

Sales From Yards in	Cottonwood		Rock Elm, Brown Ash		Soft Elm		Red, Black and Sap Gum		Hackberry		Hickory	
	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point
Alabama.....	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.
Arizona.....	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.
Arkansas.....	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.
California.....	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Colorado.....	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Connecticut.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
Delaware.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
District of Co- lumbia.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
Florida.....	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.
Georgia.....	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.
Idaho.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Montgomery, Ala.	146	Rainelle, W. Va.
Illinois.....	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
Indiana.....	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
Iowa.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Kansas.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Kentucky.....	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	155-SC	Jackson, Tenn.	146	Rainelle, W. Va.
Louisiana.....	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.
Maine.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	238	Conifer, N. Y.
Maryland.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
Massachusetts.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	208	Conifer, N. Y.
Michigan.....	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	97	Montgomery, Ala.	155-NC	Louisville, Ky.	146	Rainelle, W. Va.
Minnesota.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	155-NC	Louisville, Ky.	146	Rainelle, W. Va.
Mississippi.....	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	67	Montgomery, Ala.
Missouri.....	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
Montana.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Nebraska.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	155-SC	Jackson, Tenn.	146	Rainelle, W. Va.
Nevada.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
New Hampshire.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	368	Conifer, N. Y.
New Jersey.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
New Mexico.....	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
New York.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
North Caro- lina.....	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.
North Dakota.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Ohio.....	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	97	Montgomery, Ala.	155-NC	Louisville, Ky.	146	Rainelle, W. Va.
Oklahoma.....	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.
Oregon.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Pennsylvania.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Rainelle, W. Va.
Rhode Island.....	97	Montgomery, Ala.	225	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	368	Conifer, N. Y.
South Caro- lina.....	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.
South Dakota.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Tennessee.....	155-SC	Montgomery, Ala.	223	Wausau, Wis.	155-SC	Montgomery, Ala.	155-SC	Montgomery, Ala.	155-SC	Montgomery, Ala.	146	Rainelle, W. Va.
Texas.....	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.
Utah.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Rainelle, W. Va.
Vermont.....	97	Montgomery, Ala.	223	Wausau, Wis.	368	Conifer, N. Y.	97	Montgomery, Ala.	97	Montgomery, Ala.	368	Conifer, N. Y.
Virginia.....	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.
Washington.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Charleston, W. Va.
West Virginia.....	97	Montgomery, Ala.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.
Wisconsin.....	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	97	Montgomery, Ala.	155-NC	Louisville, Ky.	146	Charleston, W. Va.
Wyoming.....	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	146	Charleston, W. Va.

TABLE 1—Continued

Sales From Yards in	Magnolia, Sweetpean, Tupelo, Sycamore Willow		Soft Maple		Hard Maple		Red and White Oak		Yellow Poplar	
	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point	MPR	Basing Point
Alabama	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	97	Montgomery, Ala.	97	Montgomery, Ala.
Arizona	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Arkansas	97	Alexandria, La.	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.
California	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Colorado	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Connecticut	97	Montgomery, Ala.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Delaware	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
District of Columbia	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Florida	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Alexandria, La.	97	Montgomery, Ala.
Georgia	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	97	Montgomery, Ala.
Idaho	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Illinois	97	Montgomery, Ala.	146	Louisville, Ky.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Indiana	97	Montgomery, Ala.	146	Louisville, Ky.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Iowa	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	146	Evansville, Ind.	146	Evansville, Ind.
Kansas	97	Alexandria, La.	146	Evansville, Ind.	223	Wausau, Wis.	146	Evansville, Ind.	97	Alexandria, La.
Kentucky	97	Montgomery, Ala.	146	Jackson, Tenn.	223	Wausau, Wis.	146	Jackson, Tenn.	146	Jackson, Tenn.
Louisiana	97	Alexandria, La.	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.
Maine	97	Montgomery, Ala.	268	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Maryland	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Massachusetts	97	Montgomery, Ala.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Michigan	97	Montgomery, Ala.	146	Louisville, Ky.	223	Wausau, Wis.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Minnesota	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Mississippi	97	Montgomery, Ala.	97	Montgomery, Ala.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.
Missouri	97	Montgomery, Ala.	146	Evansville, Ind.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	146	Evansville, Ind.
Montana	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Nebraska	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	146	Evansville, Ind.	146	Evansville, Ind.
Nevada	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
New Hampshire	97	Montgomery, Ala.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
New Jersey	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
New Mexico	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
New York	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
North Carolina	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	97	Montgomery, Ala.
North Dakota	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	146	Evansville, Ind.	146	Evansville, Ind.
Ohio	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Oklahoma	97	Alexandria, La.	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.
Oregon	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Pennsylvania	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Rhode Island	97	Montgomery, Ala.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
South Carolina	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	97	Montgomery, Ala.
South Dakota	97	Alexandria, La.	223	Wausau, Wis.	223	Wausau, Wis.	146	Evansville, Ind.	146	Evansville, Ind.
Tennessee	97	Montgomery, Ala.	155-SC	Montgomery, Ala.	155-SC	Montgomery, Ala.	155-SC	Montgomery, Ala.	155-SC	Montgomery, Ala.
Texas	97	Alexandria, La.	97	Alexandria, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.
Utah	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Vermont	97	Montgomery, Ala.	368	Conifer, N. Y.	368	Conifer, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Virginia	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Charleston, W. Va.
Washington	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
West Virginia	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Charleston, W. Va.
Wisconsin	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Wyoming	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.

TABLE 2

ESTIMATED AVERAGE WEIGHTS OF HARDWOOD LUMBER

(Pounds Per 1,000 Board Measure Feet)

Ash:	
Brown	4,000
Soft	4,100
Tough	4,400
Basswood	2,900
Beech	4,900
Birch	4,900
Buckeye	3,300
Butternut	3,400
Cherry	4,500
Chestnut	3,900
Cottonwood	3,700
Elm:	
Rock	4,700
Soft	4,200
Gum:	
Black	4,300
Red	4,500
Sap	4,300
Hackberry	4,000
Hickory	5,300
Magnolia	4,000
Maple:	
Hard	4,900
Soft	4,400
Oak:	
Red	5,100
White	5,200
Pecan	5,100
Poplar	3,500
Sycamore	4,100
Tupelo	4,300
Willow	3,500

(d) Special deduction in case of sales to other distribution yards. (1) Sales to other distribution yards shall be dis-

counted 10% after adding the percentage mark-up, where the material is to be resold in substantially the same form. This means rough lumber, surfaced, sawed, or resawed lumber, but does not mean lumber run to pattern or fabricated into other products such as cabinets, boxes or furniture. Extra charges for milling, kiln drying, special widths and lengths and other specifications, are to be added after this discount is given.

(2) For the purpose of this section the term "distribution yard" means a wholesale or retail lumber yard which purchases or receives lumber from a mill or other distribution yards for purposes of unloading, sorting and reselling or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment, and sells primarily for truck shipment, which is equipped to make quick deliveries of many items of lumber and which has been located at its particular site principally to be near a lumber consuming area.

(e) Combination grades. Lumber sold on a grade which is a combination of standard grades, such as No. 1 Common and Better, may not be sold at a price higher than the ceiling price for the lowest grade actually included in the combination. For example, the maximum price for No. 1 Common and Better is that set for No. 1 Common. Of course, the amount of the different grades in-

cluded can be quoted and invoiced separately at the individual prices for those grades.

(f) Example of figuring the maximum price f. o. b. yard for sales of rough air dried lumber. A yard in Chicago, Illinois, makes a distribution yard sale of 2000 feet of rough air-dried F. A. S. one inch standard grade White Oak Plain WHAD to an industrial company. The maximum price, f. o. b. the yard, is figured as follows:

Item I: Basic yard price:

Maximum f. o. b. mill price in	
Maximum Price Regulation No.	
146 (the applicable base mill	
regulation) \$102.00	
Inbound freight, figured on a car-	
load rate of 22 cents C. W. T. to	
Chicago, Illinois, from Louisville,	
Kentucky (the transportation	
basing point) on an estimated	
weight of 5200 pounds (from	
Table 2) plus 3% transportation	
tax 11.75	
Maximum f. o. b. mill price plus	
inbound freight (the basic yard	
price) 113.75	
Item II: Handling charge 15.00	
128.75	
Item III: Mark-up (20% of Items I	
and II) on sales of over 1000 feet to	
5000 feet) 25.75	
Total 154.50	
Maximum price f. o. b. yard after	
evening out to the nearest	
\$2.50 155.00	

SEC. 5. *Additions for special widths and lengths.* The charges listed in Table 3, below, may be added to the ceiling price of lumber in standard or near standard grades where the lumber is furnished in the special widths and lengths set forth in the table. "Special widths", as used here, means either a specific width, such as 7 inches, or a specific width and wider widths, such as 7 inches and wider. Similarly, "special lengths" means a specific length or a specific length and other longer lengths. These additions may not be figured in the price before the percentage mark-up is taken.

TABLE 3

ADDITIONS FOR SPECIAL WIDTHS AND LENGTHS

Widths	Per M'BM
All 7" or 7" and Wider	84.00
All 8" or 8" and Wider	8.00
All 10" or 10" and Wider	18.00

Widths	Per M'BM
All 12" or 12" and Wider	625.00
All 14" or 14" and Wider	30.00
All 16" or 16" and Wider	35.00
Lengths	
All 10' or 10' and Longer	3.00
All 12' or 12' and Longer	6.00
All 14' or 14' and Longer	10.00
16'	20.00

For lengths over 16 ft. add \$5 Per M' to 16' price for each foot over 16'.

SEC. 6. *Additions for kiln dried lumber and for workings*—(a) *Additions for kiln dried lumber.* If kiln dried lumber is furnished, the charges listed in Table 4, below, may be added to the ceiling price for air-dried lumber. These additions may not be figured in the price before the percentage mark-up is taken. The seller, however, may increase by 5 percent the footage content of the lumber, if measured after kiln drying.

TABLE 4
ADDITIONS FOR KILN-DRYING
[Dollars per M'BM]

Group	Species	1/8	3/16	1/4	5/16	3/8	7/16	1/2	1 1/16	1 1/8 & up
1.....	Basswood									
	Buckeye									
	Butternut									
	Cottonwood	\$7.00	\$7.50	\$8.00	\$9.00	\$10.00	\$11.00	\$13.00	\$15.00	\$18.00
	Hackberry									
	Poplar									
	Soft Maple									
	Willow									
	Ash									
	Beech									
2.....	Cherry									
	Chestnut	7.50	8.00	9.00	10.00	11.00	12.00	14.00	17.00	22.00
	Magnolia									
	Sap Gum									
	Soft Elm									
	Sycamore									
	Tupelo									
3.....	Birch									
	Black and Red Gum									
	Hard Maple									
	Hickory	8.00	9.00	10.00	11.00	13.00	15.00	18.00	23.00	27.00
4.....	Pecan									
	Plain White & Red Oak									
	Rock Elm									
4.....	Quarter Sawn Oak									
	Red and White	9.00	10.00	11.00	12.00	14.00	18.00	23.00	27.00	29.00

(b) *Additions for workings.* The charges listed in Table 5 below may be added to the ceiling price for rough lumber when the workings named in the table are performed. The additions are to be made to the price of the lumber which is worked, and may not be figured in the price before the percentage mark-up is taken.

TABLE 5
ADDITIONS FOR WORKINGS

	Per Operation	
	Per M'BM	Lot Price Minimum Charge
S1S or S2S (all thicknesses and widths)	\$5.00	\$0.75
S1S and 2S	8.00	1.50
S2S and 1E	3.00	.50
Resaw per cut	6.00	1.00
Cross-cutting per cut	3.00	.50
Bundling	3.00	.50
Running to pattern	10.00	5.00

NOTE: The above additions may be made only on the basis of the separate operations which are performed. Charges for more than one operation may not be made where no change in machine set-up is necessary.

The amount of the addition is to be based on the total number of feet in the order on which the particular type of operation is performed, regardless of the number of species or items. That is, the minimum charges may not be applied to the particular species or items in an order where the operation is performed on more than one species or item, but the charge is to be determined on the basis of the total footage subjected to the operation.

For example, if 100 feet of oak, 100 feet of maple and 100 feet of gum lumber are surfaced on one side to $\frac{3}{4}$ inch thickness, there is but one operation, and the maximum addition is on the basis of S1S for 300 feet or \$1.50. The minimum charge for S1S of \$0.75 may not be applied in this case to the footages in the separate species.

(c) *Custom kiln-drying and working.* Where lumber is kiln dried or worked for the seller by a custom or milling establishment after a distribution yard sale, the seller may add to the ceiling price for rough, air dried lumber the actual cost of the custom kiln-drying or milling. The amount added may not be

higher than the maximum price established by Maximum Price Regulation 165, as amended, (Services), for the custom establishment which performs the service. Where this charge is higher than the charge allowed in paragraphs (a) and (b) above, the invoice of the custom establishment must be attached to the lumber invoice of the seller. In no event is the addition to be figured in the price before the percentage mark-up is taken.

SEC. 7. *Maximum prices, f. o. b. yard, for lumber in special grades or items, or with special services*—(a) *In general.* This section sets out the maximum f. o. b. yard prices for distribution yard sales of hardwood lumber in:

(1) Special widths and/or lengths not covered by section 5.

(2) Grades and items with special features other than special widths and/or lengths. (This covers "special selections" and workings not listed in paragraph (b) of section 6—"Additions for workings".)

(b) *Maximum prices*—(1) *How to figure the maximum price.* The maximum price for hardwood lumber sold in special grades, or items, or with special services, is the price which bears the March, 1942, relation to the most comparable standard grade, called the "yardstick" grade. The seller should find his price differential between lumber in the special grade, or item, or with the special service, and the yardstick grade, in March, 1942, or the first previous month in which he had sales of both items, or, if this is impossible, the price differential he would have used in March, 1942. This difference is then added to or subtracted from the maximum price of the yardstick grade, and the result is the maximum price for the lumber in the special grade, or item, or with the special service. These additions or deductions shall be made after the percentage mark-up is computed.

(2) *Report.* The maximum price for the lumber in the special grade or item, or with the special service, together with a complete description of the special grade or item or special service, must be reported to the Office of Price Administration, Washington, D. C. within 30 days from the date of entering the contract. The report may be in letter form, and may include more than one item.

(3) *Approval.* The reported price may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is automatically approved.

(4) *Deliveries before approval.* A seller using this pricing paragraph can go ahead with delivery of the lumber and collection of the price he has figured or requested. But he must tell the buyer that the price is subject to revision within the 30 day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

¹⁷ F.R. 5428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023.

SEC. 8. *Maximum price for hardwood dunnage.* (a) The maximum price for distribution yard sales of hardwood dunnage is a price agreed upon between the buyer and seller and approved by the Office of Price Administration. The seller, within 30 days after entering into a contract for the sale of hardwood dunnage, must report to the Lumber Branch, Office of Price Administration the requested price and the method of computation, using a cost price not in excess of that shown in § 1382.11 (c) of Maximum Price Regulation No. 97—Southern Hardwood Lumber (or § 1382.11 (c) of Maximum Price Regulation No. 146—Appalachian Hardwood Lumber). The reported price may be ordered reduced if it is found to be excessive. But if the price is not disapproved in 30 days of the receipt of the report it may be considered approved. A price once approved may be used for all subsequent sales of hardwood dunnage by the seller.

(b) The seller can go ahead with delivery of the dunnage and collection of the price, but he must tell the buyer that the price is subject to revision within the 30 day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

SEC. 9. *Additions for delivery*—(a) *In general.* This section sets out the charges for delivery from yard to purchaser which may be added to the ceiling prices f. o. b. yard. In all cases the maximum f. o. b. yard prices include delivery to, and loading on, car or truck by and at the expense of the seller.

(b) *Delivery within a free delivery zone.* If the buyer requests delivery within a free delivery zone which the seller recognized during March 1942, the seller cannot charge for making the delivery.

(c) *Delivery outside free delivery zones.* If the buyer requests delivery outside the free delivery zones which the seller recognized during March 1942, the seller can charge for delivery as follows: (The charge may be rounded out to the nearest 25¢ per 1000 feet).

(1) *Where delivery is by common or contract carrier*, the actual amount paid to the carrier by the seller may be charged. If this addition is figured on the basis of estimated weights, adjustments must be made so that the amount finally charged the purchaser cannot exceed the actual charge made by the carrier.

(2) Where delivery is by truck owned or controlled by the seller, the amount added for delivery may not be more than the actual cost to the seller of delivery by truck. The "actual cost" may not be higher than the over-all average trucking cost for a similar delivery, figured for the 6-month period ending September 1, 1942.

1512. (d) Special provision for sales of hardwood lumber at a uniform delivered price throughout the United States. (1) Any yard which in the year 1942 published a list of delivered prices for hardwood lumber shipped to any point in the United States, may apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for permission to add in all such sales a charge for transportation

figured by multiplying the estimated weights for the lumber as shown in this regulation, by a freight rate no higher than the average rate for all shipments by common carrier made by the yard during 1942 on such sales. The application must include a copy of the published list or lists of delivered prices in effect during 1942 and a statement of the average freight rate paid by the yard on all such shipments of hardwood lumber by common carrier during 1942. Permission will be granted by publishing in this regulation the name and address of the yard and the maximum freight rate which the yard can use in figuring an addition for transportation in such sales.

(2) Permission has been granted to the following yard to use the listed maximum freight rate in figuring a transportation addition in all sales of dry hardwood lumber at a uniform delivered price to any point in the United States.

Name and address: *Maximum*
Brohead Garrett Co., *freight rate*
Inc., Cleveland, Ohio. \$0.65 per 100 lbs.

SEC. 10. *Invoicing requirements*—(a) *When an invoice must be rendered.* An invoice must be rendered in all sales of \$100.00 or more of hardwood lumber. In smaller sales, the seller must render either an invoice or sales slip.

(b) *What the invoice must contain—*
(1) *Description of the lumber.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any specification, extra, working, or quantity which affects the maximum price must be mentioned in the description. The amount added for these does not have to be separately shown.

(2) *Delivery charges.* Any charge which the seller makes for delivery from the yard to the purchaser must be separately shown on the invoice. If a charge is made, the invoice must show the point of origin of the shipment, the destination, and the rail or truck rate (or, if shipment is by private truck, the amount added for transportation).

Sec. 11. *Prohibited practices*—(a)
General. Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in March 1942. This includes decreasing credit periods, or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used.

(2) Refusing, without good reason, to sell except in small quantities or under other circumstances which bring the seller an extra return.

(3) Refusing, without good reason, to sell lumber in standard grades and in grade-rule widths and lengths.

(4) Grading as a special grade lumber which normally is graded as a standard grade; or wrongly grading or invoicing lumber in any other way.

(5) Refusing to sell on an f. o. b. yard basis, and insisting upon selling on a delivered basis.

(6) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(c) *Purchasing commissions.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating lumber, or for any related service (such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For the purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the lumber in connection with which the service is performed.

(d) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 12. Records and Reports—(a) **Records.** All sellers must keep records which will show a complete description of the lumber sold, the name and address of the buyer, the date of sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought \$200.00 or more of lumber in transactions covered by this regulation. They must be kept for 2 years for inspection by the Office of Price Administration.

(b) *Reports.* All distribution yards which during the year 1942 received 75% or more of their incoming hardwood lumber shipments in full carload or truck load quantity direct from the mill, shall be required to report to the Lumber Branch, Washington, D. C., all their re-

ceipts of hardwood lumber for the six-months period commencing July 1, 1943 and ending December 31, 1943. The report shall include the following:

- (1) Date of arrival.
- (2) Species.
- (3) Quantity.
- (4) Point of origin of shipment.
- (5) Freight rate.

Sec. 13. *Applications for adjustment and petitions for amendment*—(a) *Government contracts*. (1) The term "government contracts" as here used means any contract with the United States or any of its agencies, or with the government or any government agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled, "An Act to Promote the Defense of the United States". It also includes any sub-contract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that the maximum price established in this regulation is impeding or threatens to impede production of hardwood lumber which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration.

(b) *Petitions for amendment*. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

Sec. 14. *Enforcement and licensing*. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(c) The provisions of Supplementary Order No. 18 (§ 1305.22)¹⁰ licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling hardwood lumber for which maximum prices are established by this regulation. This order, in brief, provides that a license is necessary, except for mills, manufacturers or producers, to make sales under this regulation. A license is automatically granted to all sellers making these sales.

¹⁰ 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

¹¹ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

¹² 7 F.R. 7240, 11007.

It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942 and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The licenses cannot be transferred.

Sec. 15. *Relation to other regulations*—(a) *General Maximum Price Regulation*. Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation except when option to remain under the General Maximum Price Regulation (see section 3 (b) of this regulation) has been exercised.

(b) *Maximum Export Price Regulation*. The maximum price for export sales of hardwood lumber is governed by the Second Revised Maximum Export Price Regulation.¹¹

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The effective date of this regulation shall be September 20, 1943.

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15020; Filed, September 14, 1943; 4:45 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 397; Amdt. 3]

FLAXSEED

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 3 of Maximum Price Regulation 397 is amended to read as follows:

Sec. 3. *Applicability*. This regulation applies to all sales and deliveries within the forty-eight states of the United States and the District of Columbia of domestic and imported flaxseed except for medicinal and industrial purposes other than processing for oil extraction and flaxseed for planting and food.

This amendment shall become effective September 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9350, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15035; Filed, September 14, 1943; 4:49 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹³ 8 F.R. 6840, 7392, 10757.

¹⁴ 8 F.R. 4132, 7662, 5987, 9998.

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 23]

GLASS PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended in the following respect:

1. The list of commodities under the heading "glass products" in § 1499.168 (a) (3) (v) is amended by inserting, after the item "colored sheet and opalescent", the term "cathedral glass".

This amendment shall become effective September 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September, 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15036; Filed, September 14, 1943; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 614 Under § 1499.3 (b) of GMPR]

ALDAMA PRODUCTS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.2151 *Authorization of maximum price for sales of "E-Z Brown Gravy Mix", a dehydrated food product, manufactured by Aldama Products Co., 112 North Avenue 56, Los Angeles, California.* (a) On and after September 15, 1943, the maximum selling price for sales by Aldama Food Co., 112 North Avenue 56, Los Angeles, California, of "E-Z Brown Gravy Mix", a dehydrated food product manufactured by it, shall be \$.92 per dozen one and one-half ounce packages, f. o. b. factory.

(b) Aldama Food Co. shall apply to the maximum price authorized by paragraph (a) discounts, allowances and price differentials, including price differentials between different classes of purchasers, no less favorable than those customarily applied by it in sales of comparable commodities.

(c) This Order No. 614 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 614 shall become effective September 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15021; Filed, September 14, 1943; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 51 Under SR 15 to GMPR]

FRANK DIBERT

Amendment No. 1 to Order No. 51 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3110.

An opinion accompanying this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 1499.1351 (a) is amended to read as follows:

(a) Frank Dibert, 2714 Zora Street, Joplin, Missouri, on and after August 3, 1943, may sell and deliver contract carrier services to the American Zinc, Lead and Smelting Company, of Joplin, Missouri, at prices not to exceed 65¢ per ton.

This amendment shall become effective as of the 3d day of August 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15022; Filed, September 14, 1943; 4:46 p. m.]

PART 1363—FEEDINGSTUFFS

[Rev. MPR 74, Amdt. 2]

ANIMAL PRODUCT FEEDINGSTUFFS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 2 (a) of Revised Maximum Price Regulation 74 is amended to read as follows:

SEC. 2. Effect of maximum prices. (a) While this revised regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any animal product feedingstuffs at prices above the maximum prices established by this revised regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing: *Provided, however, That notwithstanding the provisions of this revised regulation meat scraps produced from imported dry rendered tankage contracted for between May 15 and July 12, 1943 and imported into the United States prior to August 5, 1943 and which has not been allocated by the War Food Administrator, may be priced under the provisions of Maximum Price Regulation 74 in effect at the time of the execution of such contract.*

This amendment shall become effective September 14, 1943.

*Copies may be obtained from the Office of Price Administration.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15023; Filed, September 14, 1943; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 29]

TRANSPORTATION SERVICES, STATE OF MICHIGAN

The statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 7.13 is added to read as follows:

SEC. 7.13 Transportation services performed within the State of Michigan by carriers other than common carriers. Carriers other than common carriers in the State of Michigan furnishing a transportation service subject to Supplemental Orders No. 9 to 43, inclusive, in Docket D-3094 of the Michigan Public Service Commission may charge as the maximum price for such service either the minimum rate established by the Michigan Public Service Commission in the said orders and the rules and regulations pertinent thereto, or the maximum price established by the General Maximum Price Regulation or any supplementary regulation or order issued by the Office of Price Administration, whichever is higher.

This amendment shall become effective September 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of September 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-15064; Filed, September 15, 1943; 11:51 a. m.]

Chapter XVIII—Office of Economic Stabilization

Subchapter A—Office of the Economic Stabilization Director

PART 4002—REGULATIONS ON GRADING AND GRADE LABELING

DELEGATION OF AUTHORITY IN RESPECT TO MEATS

Delegation of authority to the Price Administrator to enforce Regulation No. 1 of the Office of Economic Stabilization—Grading and Grade Labeling of Meats.

Pursuant to the authority vested in me by Executive Order No. 9250 of October 3, 1942, and Executive Order No. 9328 of April 8, 1943, and in order to carry out

the purposes and provisions of the Act of October 2, 1942 (56 Stat. 765) entitled "An Act to amend the Emergency Price Control Act of 1942 to aid in preventing inflation, and for other purposes," and more specifically, in order to delegate to the Price Administrator authority to enforce Regulation No. 1 of the Office of Economic Stabilization,¹ *It is hereby ordered, That:*

The Price Administrator of the Office of Price Administration is authorized and directed to enforce the provisions of Office of Economic Stabilization Regulation No. 1, issued August 5, 1943, providing for the grading and grade labeling of meats.

The power to enforce such Regulation No. 1 shall include, but shall not be limited to, the power to make such surveys and investigations, to issue such interpretations, and to bring such actions and proceedings as the Price Administrator may deem to be necessary or desirable to effectuate the purposes thereof. The power to enforce such Regulation No. 1 shall not, however, include the power to change, amend, revoke or rescind its provisions. Nor shall such power include any authority to issue regulations requiring grade labeling of any commodity.

The Price Administrator may perform the functions and duties, and exercise the power, authority and discretion conferred upon him by this order, through such officials, including part-time and uncompensated special agents, and in such manner, as he may determine.

This order shall become effective September 14th, 1943.

Issued this 14th day of September 1943.

FRED M. VINSON,
Economic Stabilization Director.

SEPTEMBER 14, 1943.

[F. R. Doc. 43-15016; Filed, September 14, 1943; 3:37 p. m.]

Chapter XIX—Defense Supplies Corporation

[Rev. Reg. 1, Amdt. 1]

PART 701—PETROLEUM COMPENSATORY ADJUSTMENTS

MISCELLANEOUS AMENDMENTS

The following amendment (including Schedules D and E, which constitute a part thereof²), issued by Defense Supplies Corporation on August 20, 1943, is Amendment No. 1 to Petroleum Compensatory Adjustments Revised Regulation No. 1, issued on March 20, 1943.

Section 7001.1, *Definitions*, is amended by changing paragraph (p) thereof to read as set forth below and by adding the following new paragraph (x):

(p) "Compensable intra-district movement" means:

(1) A movement of compensable products other than aviation gasoline

¹8 F.R. 10988.²Filed as part of the original document.

directly from any refinery, barge terminal or pipe line terminal situated in the area defined in Schedule D hereof to any destination in District One outside such area which, in the absence of a shortage of tankers, would normally be supplied by tanker or by a combination of tanker and other methods of transportation and from a point other than such refinery or terminal, and which movement is made by a person who has obtained the prior written approval of the Petroleum Administration for War and the Defense Supplies Corporation designating the origin of such movements and the area or areas into which they are to be made.

(2) A movement of compensable products other than aviation gasoline directly from any plant which is a part of a Supply Terminal in District One situated outside the area defined in Schedule D hereof to (i) any destination within the Supply Area in which such Supply Terminal is located, or (ii) to any other destination in District One situated in an area for which the applicant has obtained the prior written approval of the Petroleum Administration for War and the Defense Supplies Corporation designating the supply terminal from which such movements may be made and the area into which they are to be made: *Provided*, In each case, that the destination to which the movement is made, in the absence of a tanker shortage, would normally be supplied by tanker or a combination of tanker and other methods of transportation, and from a point other than such plant.

(3) Any other movement of compensable products or any movement of miscellaneous products made upon the prior written request of the Petroleum Administration for War, which request was approved by Defense Supplies Corporation, from a refinery, terminal or bulk storage plant in District One to a point in District One, which movement would not normally have been made by the applicant in the absence of a shortage of tankers.

(x) "Supply terminal" means any terminal or refinery in District One specified in Schedule E hereof, and "Supply area" means the area described for each supply terminal in Schedule E.

Section 7001.5, *Extra transportation and compensable product costs*, paragraph (a), *Amount of compensatory adjustment*, is amended by changing subparagraph (1) (iii) and (iv) thereof to read as set forth below, and by adding the following new subdivisions, (v), (vi), (vii), (viii), (ix):

(iii) In case asphalt is imported in bulk by the applicant for his own consumption or further processing in District One, the excess of (a) the value of such asphalt at the actual origin, plus the cost of transporting such asphalt from the actual origin to the destination in District One by the substitute method of transportation, over (b) the sum of the ceiling price for such asphalt at the refinery in District One where such asphalts are normally manufactured and sold from which the freight to such destination is lowest, plus such freight.

(iv) In case asphalt is imported in bulk by the applicant for sale in bulk without further processing in District One, the excess of (a) the value of such asphalt at the actual origin, plus the cost of transporting such asphalt from the actual origin to the destination in District One by the substitute method of transportation, plus the sum of 75¢ per ton, over (b) the sum of the ceiling price for such asphalt at the refinery in District One where such asphalts are normally manufactured and sold and from which the freight to such destination is lowest, plus such freight: *Provided*, That if the price at which the asphalt is sold at the destination by the applicant exceeds the sum specified in (b) of this subdivision, then the amount of the claim shall be reduced by the difference between such sum and the actual selling price at destination. For the purposes of this subdivision (iv) and subdivision (iii) above, the value of such asphalt at actual origin shall be determined according to the provisions of § 7001.5 (b) (1) of this regulation, except that paragraph (a) of the proviso clause of § 7001.5 (b) (1) shall not apply. Upon request of Defense Supplies Corporation the applicant shall obtain and submit to Defense Supplies Corporation such evidence as may be requested in support of the prevailing market price.

(v) In the case of a compensable intra-district movement which is made from any refinery or barge terminal or pipe line terminal within the area defined in Schedule D hereof, an amount computed in the same manner as if such refinery or terminal were in District Two: *Provided*, That the ceiling price to be used in connection with such claim shall be reduced by the amount of the applicable revenue price increase and that sales in the area defined in Schedule D shall not be excluded in computing the applicant's "wholesale price".

(vi) In the case of a compensable intra-district movement which is made from any supply terminal in District One situated on the pipe line of the Plantation Pipe Line Company, including the Defense Plant Corporation extension to Richmond, Virginia, or the pipe line of the Southeastern Pipe Line Company, the excess of (a) the lower of the actual cost to the importer of transporting the compensable products from actual origin outside District One to the supply terminal or the cost of the importer's normal method of transportation for such compensable products from normal origin to the supply terminal, plus in either case the substitute cost of in-transit handling at the supply terminal, and plus the actual cost incurred by the applicant in transporting the compensable products from the supply terminal to destination, over (b) the cost of applicant's normal method of transportation from normal origin to the same destination.

(vii) In the case of a compensable intra-district movement which is made from any supply terminal in District One situated outside the area defined in Schedule D, other than a supply terminal described in subdivision (vi) above, the excess of (a) the cost of transporting like compensable products to such supply terminal from Port Arthur, Texas by the

normal method of transportation of the importer of such products, or, if refined in District One, of the refiner thereof, plus, the substitute cost of in-transit handling at such supply terminal, except that no substitute cost of in-transit handling will be included in respect to handling at any District One refinery of compensable products manufactured at such refinery, and plus the actual cost incurred by the applicant in transporting the compensable products from such supply terminal to destination, over (b) the cost of applicant's normal method of transportation from normal origin to the same destination;

(viii) In the case of a compensable intra-district movement which is made pursuant to a prior written request of the Petroleum Administration for War and approved by Defense Supplies Corporation, an amount to be computed in accordance with the formula contained in the written request for such movement.

(ix) In the case of a special container movement, an amount computed in accordance with the formula contained in the written request for such movement issued by the Petroleum Administration for War and approved by Defense Supplies Corporation.

Section 7001.5, *Extra transportation and compensable product costs*, paragraph (a), *Amount of compensatory adjustment*, is amended by changing subparagraph (3) (1) thereof to read:

(1) If the applicant is a participant in the plan for the equitable sharing of revenues and extra transportation expenses, adopted and approved March 12, 1942, under Recommendation No. 12, as amended (Title 32—National Defense, Chapter XIII—Office of Petroleum Coordinator for National Defense), then the amount of revenue such applicant is obligated to account for under the terms of such plan may be deducted from the revenue to be credited against the applicant's claim: *Provided, however*, That no such deduction shall be allowed in respect of any revenue, the payment of which to the trustee is delinquent under the terms of the plan.

Section 7001.5, *Extra transportation and compensable product costs*, paragraph (c), *Method of determining extra transportation costs*, is amended by changing the first subparagraph thereof to read:

(1) Transportation costs, under both the normal and substitute methods of transportation, shall be computed on the basis of the crude, compensable products or miscellaneous products actually moved by the substitute method of transportation, and shall be computed to the first actual delivery point in District One which is common to both methods: *Provided*, That in the case of compensable products other than aviation gasoline the claim, other than for an intra-district movement, shall terminate in any event upon delivery to the first point located in District One outside of the area defined in Schedule D hereof at which such products are unloaded, except when unloaded into "pipe line break-out storage facility" or into a terminal at Panama City, Port St. Joe, or Carabelle,

Florida, for through movement to a supply terminal, in which event the claim shall terminate upon delivery to the first such supply terminal into which it is thereafter unloaded. Compensation, if any, for a movement beyond the foregoing points shall be claimed only as a compensable intra-district movement.

This amendment shall become effective as of August 1, 1943: *Provided, however,* That any applicant may file a supplementary claim on or before November 1, 1943, covering the compensable costs of intra-district movements as defined in this amendment, for which no previous claim has been filed, and which were made subsequent to December 31, 1942 and prior to August 31, 1943 and, in any case where advance approval of the Petroleum Administration for War and the Defense Supplies Corporation of any such movement is required, approval obtained prior to date of filing such supplementary claim shall be deemed sufficient.

Issued this 20th day of August 1943.

DEFENSE SUPPLIES CORPORATION,
GEORGE H. HILL, JR.,
Executive Vice President.

[F. R. Doc. 43-15046; Filed, September 15, 1943; 9:34 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Special Direction ODT 7, Revised-1, Amdt. 1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to Executive Order 8989, Special Direction ODT 7, Revised-1 (8 F.R. 10445) is hereby amended by inserting a single asterisk immediately preceding the commodity descriptions "Apple juice" and "Vinegar stock" where they appear on Schedule A thereof; by eliminating the commodity descriptions "Resin", "Rosin, synthetic", "Unfinished alcohol", and "Unfinished grain spirits (suitable only for redistillation)" where they appear on said Schedule A; and by adding to and including within the list of commodities essential to war production as named on said Schedule A, the following commodities:

Animal dips and disinfectants
*Apple cider
Babassu oil
Brake or shock absorber fluid (other than petroleum)
Cooking oil (salad oil)
Dinitromethylaniline solution
Dipropylene glycol
Grease oil
Liquid soda ash
Methanol methyl acetate binary
Oleo oil
Oleo stock
Curicuri oil
Oxidizing salt solution
Potassium silicate
Resins

Screenings oil
Sesame oil
Silicon tetrachloride
Soluble cutting oil base
Tallow oil
Trichlorethylene
Triethylene glycol
Unfinished grain spirits (unfinished alcohol)
suitable only for redistillation purposes.

Commodity marked "*" is subject to both the provisions of this Special Direction ODT 7, Revised-1, as amended, and of Haulage Conservation Order T-1, as amended, issued by the War Production Board.

(E.O. 8989, 6 F.R. 6725)

This Amendment 1 to Special Direction ODT 7, Revised-1 shall become effective on September 15, 1943.

Issued at Washington, D. C., this 15th day of September 1943.

JOSEPH B. EASTMAN,

*Director of the
Office of Defense Transportation.

By A. V. BOURQUE,

Associate Director of the
Division of Petroleum and Other
Liquid Transport.

[F. R. Doc. 43-15045; Filed, September 15, 1943; 9:58 a. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT IN THE MEDICAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenants, Medical Corps, Regular Army, under the provisions of AR 605-20, and §§ 73.1-73.5 of Title 10, CFR, will be held from 24 to 27 January 1944, inclusive.

2. Applications and requests for information concerning this examination will be addressed to The Adjutant General.

3. a. Applications from candidates received after 7 January 1944 will not be considered, except:

b. Applications received from officers by commanding generals of theaters of operation and defense commands outside the continental limits of the United States at any time prior to 24 January 1944 but too late for submission to The Adjutant General for approval on 7 January 1944 will be considered, provided the applicants meet all the requirements as set forth in AR 605-20, and §§ 73.1-73.5 of Title 10, CFR. In such cases the applications and supporting papers will be forwarded with the examination papers to The Surgeon General, and The Adjutant General notified by radio of their names and locations. (Sec. 24, 41 Stat. 774; sec. 7, 53 Stat. 557; 35 Stat. 67; 10 U.S.C. 92, 93) [W.D. Cir. 202, 7 September 1943]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-15038; Filed, September 15, 1943; 9:48 a. m.]

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order No. T-46]

AMERICAN FUEL CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

SEPTEMBER 13, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator, Instrument No. 1, as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

Malcolm N. McKinnon, American Fuel Company, Salt Lake City, Utah. Thomas Vail, Beech Grove Coal Co., Byesville, Ohio. Michael Bernhardt, Michael Bernhardt, Canton, Ohio. H. H. Blackburn, Clear Creek Coal Co., Lewisburg, West Virginia. J. M. Cunningham, C. & S. Coal & Clay Co., Zelienople, Pennsylvania. G. A. Reese, Clinchfield Coal Corporation, Dante, Virginia. Fred Essex, Detroit Mining Company, Columbus, Ohio. G. W. Hewitt, Emperor Coal Company, Wheeling, West Virginia. M. C. Hobart, M. C. Hobart Coal Co., Middleport, Ohio. Geo. Morgan, George Morgan Coal Company, Greenville, Kentucky. J. Van Houten, St. Louis, Rocky Mountain & Pacific Company, Raton, New Mexico.

[F. R. Doc. 43-15040; Filed, September 15, 1943; 9:39 a. m.]

[Order No. T-47]

ASHLAND COAL & COKE CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

SEPTEMBER 14, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that the productive efficiency of each of those mines prevailing prior to the taking of possession by the Government has been restored, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong. 1st Sess.), the possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct that possession and control by the Govern-

ment of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operation during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; And provided further, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

Ashland Coal & Coke Company, Bluefield, West Virginia. Electro Metallurgical Co., Alloy, West Virginia. Harbison-Walker Refractories Co., Pittsburgh, Pennsylvania. Inland Steel Company, Chicago, Illinois. Majestic Collieries Co., Bluefield, West Virginia. Mariah Hill Super Block Coal Co., Chicago, Illinois. Merrill Coal Co., Henlawson, Logan County, West Virginia. Pershing Fuel Company, Des Moines, Iowa. Wheeling Steel Corporation, Wheeling, West Virginia.

[F. R. Doc. 43-15041; Filed, September 15, 1943; 9:39 a. m.]

[Order T-48]

J. ROBERT BAZLEY, INC., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

SEPTEMBER 14, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that the productive efficiency of each of those mines prevailing prior to the taking of possession by the Government has been restored, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong. 1st Sess.), the possession and con-

trol by the Government of such mines should be terminated.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; And provided further, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

J. Robert Bazley, Inc., Pottsville, Pennsylvania. Gowen Coal Co., Fern Glen, Pennsylvania. Hammond Coal Company, Girardville, Pennsylvania. Hudson Coal Company, The, 230 Park Avenue, New York, New York. Huss, George W., Centralia, Pennsylvania. Jeddo-Highland Coal Company, Jeddo, Pennsylvania. Pennsylvania Coal Company, Scranton, Pennsylvania.

[F. R. Doc. 43-15042; Filed, September 15, 1943; 9:39 a. m.]

General Land Office.

[No. 208]

WYOMING

AIR-NAVIGATION SITE WITHDRAWAL

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U.S.C., title 49, sec. 214), it is ordered, as follows:

Subject to valid existing rights, the following-described public land in Wyoming is hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the

reservation to be known as Air-Navigation Site Withdrawal No. 208:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 116 W., sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$. The area described contains 20 acres.

This order shall take precedence over, but shall not modify, the order of the Acting Secretary of the Interior of October 31, 1936, establishing Grazing District No. 4 in Wyoming, so far as it affects the above-described land.

ABE FORTAS,
Acting Secretary of the Interior.

SEPTEMBER 8, 1943.

[F. R. Doc. 43-15039; Filed, September 15, 1943; 9:40 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R-6]

CABOT CARBON COMPANY, ET AL.

POOLING OF PRIVATELY OWNED COVERED HOPPER CARS USED IN CARBON BLACK TRANSPORTATION SERVICE

Upon consideration of the application for authority to pool privately owned covered hopper cars used in carbon black transportation service, filed with this Office by Cabot Carbon Company, United Carbon Company, Columbian Carbon Company, Coltexo Corporation, Continental Carbon Company, Panhandle Carbon Company, J. M. Huber Corporation, and Chas. Eneu Johnson & Company; to assure the maximum utilization of cars used by the carbon black industry; and to conserve and providently utilize vital equipment, materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. Cabot Carbon Company, United Carbon Company, Columbian Carbon Company, Coltexo Corporation, Continental Carbon Company, Panhandle Carbon Company, J. M. Huber Corporation, and Chas. Eneu Johnson & Company (hereinafter collectively called "car owners") shall forthwith form a Pool Authority to be operated by a Pool Manager with the assistance of an Advisory Committee consisting of a representative of each car owner.

2. All covered hopper cars owned by each car owner shall be leased to said Pool Authority.

3. The Pool Authority shall sub-lease any covered hopper car which is in the pool to a carbon black producer or to a bulk consumer under terms and conditions which are satisfactory to the car owner: Provided, however, That any such sub-lease of a car or cars to a bulk consumer shall contain a provision specifying that such car or cars shall not be detained on said consumer's tracks for more than seven (7) days, and any such sub-lease of a car or cars to a carbon black producer shall contain a clause reserving to the Pool Authority the right to limit the time such car or cars, empty or loaded, may be detained on said producer's tracks.

4. The Pool Authority shall assign to each carbon black producer as nearly as possible from said producer's own cars, the number of cars said producer will require during each calendar month. Any excess cars not required by a car owner shall be subject to diversion by said Pool Authority to other carbon black shippers or to shippers of other commodities under terms acceptable to the car owner.

5. The Pool Authority shall not exercise control over the routing of cars engaged in carbon black transportation service.

6. Car owners shall furnish the Pool Authority duplicate records of their car operations at such intervals as the Pool Authority may designate, and the Pool Authority shall make such reports showing the use and operation of the cars in the pool as the Director, Division of Railway Transport, Office of Defense Transportation, shall direct.

Communications concerning this order should refer to "Special Order ODT R-6" and unless otherwise directed should be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C.

This Special Order ODT R-6 shall become effective September 20, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of September 1943.

JOSEPH B. EASTMAN,
Director of the
Office of Defense Transportation.

[F. R. Doc. 43-15052; Filed, September 15, 1943; 11:44 a. m.]

STARK COUNTY, OHIO, DAIRY PRODUCTS DISTRIBUTORS

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5878, 7694, 9623; 8 F.R. 8278, 8377, 10910), Oberlin Dairy and 44 other dairy products distributors named in the Appendix hereof have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of fresh milk, cream, and dairy products in Stark County, Ohio.

The 45 named participants plan to eliminate wasteful operations in the transportation and delivery of fresh milk, cream, and dairy products in 20 specified municipalities, towns, villages, and contiguous urban communities in Stark County, Ohio. There are 8 non-participating dairy companies operating within the county. The participants will make no special deliveries, except to hospitals.

All retail deliveries will be made during daylight hours, and collections will be made en route with no return trips or call backs. No participating dealer, processor, or operator will deliver any products to a retail customer (whether his own or a customer of any other milk dealer or dairyman) who has received a delivery of any such products within the preceding 48-hour period. Wholesale deliveries, for re-sale purposes, will be limited to one service a day, except when the volume exceeds the capacity of the vehicle engaged in the delivery, in which event each delivery except the final one will be a capacity load. Participants will interchange customers in out-lying districts wherever possible and eliminate service where mileage is too costly and unwarranted. Routes will be relocated, either by area, section, or district, to provide one stop, every-other-day delivery on the shortest mileage possible.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 10th day of September 1943.

JOSEPH B. EASTMAN,
Director of the
Office of Defense Transportation.

APPENDIX 1

1. Oberlin Dairy, Massillon, Ohio.
2. West Side Dairy, Massillon, Ohio.
3. Barr Dairy, Inc., Canton, Ohio.
4. Brookside Farms, Inc., Louisville, Ohio.
5. Grand View Dairy Co., Canton, Ohio.
6. Hol-Guerns Dairy, Canton, Ohio.
7. Daniel Keller Dairy, Massillon, Ohio.
8. City Dairy, Navarre, Ohio.
9. The Lesh Himes Milk Co., Louisville, Ohio.
10. The Canton Pure Milk Co., Canton, Ohio.
11. Sanitary Milk Co., Canton, Ohio.
12. Spring Hill Dairy, Alliance, Ohio.
13. Waldeil Dairy, Alliance, Ohio.
14. Wyler Bros., Canton, Ohio.
15. Wm. H. Snyder Dairy, Massillon, Ohio.
16. Acme Dairy Products Co., Massillon, Ohio.
17. North Canton Dairy, N. Canton, Ohio.
18. Crider's Dairy, Canton, Ohio.
19. Superior Dairy, Inc., Canton, Ohio.
20. Burger Dairy, Canton, Ohio.
21. Orchard Hill Farm Dairy, N. Canton, Ohio.
22. Anglemont Farms, N. Canton, Ohio.
23. Haldon R. Zink, Massillon, Ohio.
24. Orchard Grove Dairy, Canton, Ohio.
25. Sunnyside Dairy, Alliance, Ohio.
26. Sterling Dairy Co., Canton, Ohio.
27. Purity Dairy, Alliance, Ohio.
28. Quality Dairy, Canton, Ohio.
29. Brookfield Dairy, Massillon, Ohio.
30. Princehorn Dairy, Massillon, Ohio.
31. Ideal Dairy, Massillon, Ohio.
32. McDannel Dairy, Canton, Ohio.

33. Isaly Dairy Co., Canton, Ohio.
34. Floom & Purity, Canton, Ohio.
35. L. E. Rowe, Brewster, Ohio.
36. R. P. Sponsler, Brewster, Ohio.
37. O. J. Singer Dairy, Canton, Ohio.
38. Globe Dairy Co., Canton, Ohio.
39. Firestone Farm Dairy, Middlebranch, Ohio.
40. Oyster Bros. Dairy, Alliance, Ohio.
41. Allisons Dairy, Alliance, Ohio.
42. Eckert's Dairy, Alliance, Ohio.
43. Bircher's Farm Dairy, Canton, Ohio.
44. Dillon M. Reed, N. Canton, Ohio.
45. D. D. Ickes, Alliance, Ohio.

[F. R. Doc. 43-15053; Filed, September 15, 1943; 11:44 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on September 14, 1943.

Order Number and Name
RPS 41, Order 23, The Falk Corp.
MPR 163, Order 22, Glenside Mills.
Commodity Practices Regulation No. 1, Order 3, William Oliver Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-15066; Filed, September 15, 1943; 11:51 a. m.]

Regional, State and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER NO. 51

The following orders under General Order No. 51 were filed with the Division of the Federal Register on September 13, 1943.

I

New Hampshire Order No. 6, Filed 11:44 a. m.

Rhode Island Order No. 5, Filed 11:51 a. m.
Maine Order No. 5, Filed 11:51 a. m.
Maine Order No. 5, Amd. 1, Filed 11:52 a. m.

III

Iron Mountain Order No. 14, Filed 11:53 a. m.
Louisville Order No. 4, Revised Filed 11:52 a. m.

Charleston W. Va. Order No. 16, Filed 11:55 a. m.
Indianapolis Order No. 10, Filed 11:56 a. m.
Cleveland Order No. 16, Amd. 1, Filed 11:57 a. m.

Detroit Order No. 5, Amd. 8, Filed 11:57 a. m.
Detroit Order No. 5, Amd. 9, Filed 11:54 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-15026; Filed, September 14, 1943; 4:45 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS
UNDER GENERAL ORDER NO. 51

The following orders under General Order No. 51 were filed with the Division of the Federal Register on September 14, 1943.

III

Iron Mountain Order No. 15, Filed 10:04 a. m.
Iron Mountain Order No. 17, Filed 10:04 a. m.
Iron Mountain Order No. 18, Filed 10:04 a. m.

IV

Knoxville Order No. 6, Filed 10:45 a. m.
Knoxville Order No. 7, Filed 10:45 a. m.
Jacksonville Order No. 9, Filed 10:47 a. m.
Jacksonville Order No. 10, Filed 10:48 a. m.
Birmingham Order No. 8, Filed 10:42 a. m.
Birmingham Order No. 9, Filed 10:42 a. m.

VIII

Spokane Order No. 7, Filed 10:43 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-15065; Filed, September 15, 1943; 11:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-23, 70-187, 70-191]

THE MIDDLE WEST CORP., ET AL.

ORDER REQUIRING LIQUIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 10th day of September, A. D. 1943.

In the matter of the Middle West Corporation, North West Utilities Company, Wisconsin Power and Light Company, The Middle West Corporation, North West Utilities Company.

The Commission having issued its Notice of and Order for Hearing on June 9, 1941 instituting this proceeding pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 and having issued an order on June 11, 1941 consolidating said section 11 (b) (2) proceedings with the proceedings on applications and declarations relating to a certain plan of recapitalization for North West Utilities Company, filed by said company and by its parent, The Middle West Corporation; and

Hearings on the consolidated proceedings having been held and counsel for the Respondents (North West Utilities Company and The Middle West Corporation) having waived any right to submit proposed findings of fact, oral arguments or briefs with respect to the issues now considered in these proceedings; and

The Commission having examined the record herein and having considered all motions and objections urged by the respondents and having this day made and filed its findings and opinion herein, finding *inter alia* that the action herein-after directed to be taken is necessary to ensure that the corporate structure and continued existence of North West Utilities Company shall not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute vot-

ing power among security holders, of the holding company systems of North West Utilities Company and The Middle West Corporation, and finding that the application and declaration regarding the said plan of recapitalization do not meet the applicable standards of the Act and must be disapproved and denied effectiveness;

It is ordered, That the motion of the respondents to defer and suspend further proceedings herein for the duration of the war be and the same hereby is denied;

It is further ordered, That the motion filed by the respondents, to grant the applications and make effective the declarations hereinabove referred to, be and it is hereby denied;

It is further ordered, That the said applications and declarations filed by North West Utilities Company and The Middle West Corporation (respectively Files No. 70-191 and 70-187), be and they hereby are disapproved and denied effectiveness;

It is further ordered, Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 that the North West Utilities Company shall be liquidated and its existence terminated;

It is further ordered, That Respondents North West Utilities Company and The Middle West Corporation shall proceed with due diligence to submit to this Commission a plan or plans for its prompt liquidation, and the termination of its existence, in a manner consistent with the provisions of the said Act;

It is further ordered, That jurisdiction be, and it is hereby reserved to enter such further order or orders as may be necessary or appropriate for the purpose of ensuring that the provisions of this order are carried out in a manner consistent with the public interest and the provisions of the Act; and that jurisdiction be and it is hereby reserved with respect to all the issues in this proceeding not resolved by the provisions of this order above set forth.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 43-15043; Filed, September 15, 1943; 9:39 a. m.]

[File Nos. 54-75, 70-726]

THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of September 1943.

The Commonwealth & Southern Corporation (Commonwealth), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and rule U-46 thereunder regarding the proposed payment of a dividend of 75¢ per share (payable on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day thereafter) on its 1,482,000 shares of

preferred stock outstanding, the aggregate amount of such dividend payment being \$1,111,500;

Said declaration having been filed on August 24, 1943 and notice of said filing having been duly given in the form and manner prescribed by rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission regarding the proposed payment as similar in principle to the dividend payment permitted by the Commission in its order of June 24, 1943 (Holding Company Act Release No. 4283) in which the Commission considered the payment as being out of capital and subject to the provisions of section 12 (c) and rule U-46, in view of the contemplated restatement of the carrying value of Commonwealth's investments as proposed in a plan of recapitalization now pending before this Commission; Commonwealth having conceded that such a recapitalization will result in a decrease in the carrying value of such investments by an amount not less than Commonwealth's earned surplus as at July 31, 1943 plus such earnings as may accrue during the remainder of the year; and

Commonwealth having requested that the effective date of its declaration be accelerated to facilitate the prompt payment of the proposed dividend to the preferred stockholders; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith, subject, however, to the condition that Commonwealth accompany the dividend checks with a statement indicating that the dividend is being paid out of capital.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 43-15044; Filed, September 15, 1943; 9:40 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4433, 4434, 4481, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 375, 391a, 404, 411, 412, 474, 481, 489, 367, 463a), and E.O. 9023, dated February 28, 1943 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

Boiler

York Oil Burner Company's hot water heating boiler Model HW-250 (General Assembly Dwg. No. P-2829, dated 13 July

1943), manufactured by York Oil Burner Co., Inc., York, Pennsylvania.

Disengaging Apparatus

Mills releasing hook, Type D (Maximum working load of 9,500 pounds per hook) (Dwg. No. M128, dated 15 July 1943), manufactured by Lane Lifeboat & Davit Corp., Flushing, N. Y.

Fire Extinguisher

Types PS 4, PSH 7½, PSH 10 and PSH 15 carbon dioxide fire extinguishers with squeeze-grip valves (Dwgs. Nos. C-53788 and C-53882 dated 15 March 1943), having capacities of 4, 7½, 10, and 15 pounds, respectively, manufactured by the C-O-Two Fire Equipment Company, Newark, New Jersey.

Fire Extinguishing System

Cardox carbon dioxide extinguishing system for protection of the machinery spaces and cargo spaces (Dwgs. Nos. FA-5985, FC-8045, FC-8313, FA-10308, FD-9968, FD-11069, FD-3852, FE-11577, FE-11538), manufactured by the Cardox Corporation, Chicago, Ill.

Flexible Embarkation and Debarkation Ladder

Embarkation - debarkation ladder (Dwg. No. 141, dated 21 July, 1943), manufactured by American Chain Ladder Company, Inc., New York, N. Y.

Lifeboats

26' x 9' x 3'6" oar-propelled metallic lifeboat (505 Cu. Ft.) (Dwg. No. 2651, dated 31 March, 1943), manufactured by Lane Lifeboat & Davit Corp., Flushing, N. Y.

24' x 8' x 3'6" oar-propelled metallic lifeboat (450 Cu. Ft.) (Dwg. No. 2428, dated 5 August, 1943), manufactured by Lane Lifeboat & Davit Corp., Flushing, N. Y.

24' x 8' x 3'6" motor-propelled metallic lifeboat (450 Cu. Ft. Gross) (Dwg. No. 2425, dated 5 August, 1943), manufactured by Lane Lifeboat & Davit Corp., Flushing, N. Y.

28' x 9'3" x 3'10" motor-propelled metallic lifeboat (613 Cu. Ft. Gross) (Dwg. No. 2817, dated 26 July, 1943), manufactured by Lane Lifeboat and Davit Corp., Flushing, N. Y.

24' x 7.9' x 3.3' oar-propelled metallic lifeboat (375 Cu. Ft.) (Dwg. No. 2432, dated 17 August, 1943), manufactured by Lane Lifeboat and Davit Corp., Flushing, N. Y.

24' x 8' x 3'7" oar-propelled metallic lifeboat (458 Cu. Ft.) (Dwg. No. 2602, dated 29 April, 1943), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

Lifeboat Winch

Power lifeboat winch, Type G, Size No. 1 (Dwg. No. 1150, dated 21 June, 1942), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

R. R. WAESCHE,
Commandant.

SEPTEMBER 14, 1943.

[F. R. Doc. 43-15049; Filed, September 15, 1943; 11:28 a. m.]

No. 184—5

WAR FOOD ADMINISTRATION.

[Docket No. AO 160-A 2]

PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, Marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the applicable rules of practice and procedure (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815), notice is hereby given of a hearing to be held in the United States Court House, Ninth and Chestnut Streets, Philadelphia, Pennsylvania, beginning at 10 a. m., e. w. t., September 23, 1943, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. These amendments have not received the approval of the War Food Administrator.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modification thereof, which are hereinafter set forth. The amendments which have been proposed are set forth below.

Proposed by the Interstate Milk Producers' Association, Inc.

1. Upward adjustment of Class II formula to bring price in line with cream and manufacturing milk values.

2. Upward adjustment of Class I price which, combined with Class II price, will return farmers in this area their full cost of production.

3. Elimination of the 3-cent additional deduction now permitted at receiving stations.

4. Change producers' butterfat differential from 4 cents to 5 cents.

5. Add a provision to encourage the transfer and use in the marketing area of direct shipped milk.

Proposed by the Wawa Dairy Farms, Inc.

1. Reconsider § 961.4 (c), § 961.8 (d), and § 961.8 (e).

Proposed by the Dairy and Poultry Branch, Food Distribution Administration

1. Change § 961.0 to § 961.1, renumber each following section in consecutive order, and make corresponding changes in the references to each section number.

2. Delete § 961.1 (a) (2) and substitute therefor the following:

(2) The term "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties, pursuant to the act, of the

War Food Administrator of the United States.

3. Substitute the term "War Food Administrator" for the term "Secretary" wherever appearing in the order.

4. In § 961.1 (a) (5) substitute the word "was" for the word "is" in line 5, and insert the words "during August 1943" immediately after the word "handler" in line 6.

5. In § 961.1 (a) (5), 3rd and 4th lines from the end of the first paragraph, delete the words "during any one of the months of October, November, December, and January" and substitute therefor the words "during any month, except April, May, and June."

6. At the end of § 961.1 (a) (6) add the words "or who receive milk from producers regardless of where disposed."

7. Reconsider § 961.3 (c) (5).

8. Delete § 961.3 (c) (1), (2), and (3) and substitute therefor the following:

(c) *Transfers of milk.* (1) Milk or skim milk received at a plant from another plant shall be allocated to Class I: *Provided*, That such milk may be allocated to Class II up to the total amount of Class II milk used by the receiving handler in all of his plants at which milk is received from producers if the receiving handler and the selling handler submit to the market administrator a written statement requesting such an allocation, after deduction of any milk pursuant to subparagraph (2) of this paragraph.

(2) Milk or skim milk received at a plant at which milk is received from producers from a plant at which no milk is received from producers shall be allocated to each class in proportion to the class utilization of all milk received from producers and from plants at which no milk is received from producers by the respective handler at all of his plants at which milk is received from producers during the month: *Provided*, That the receiving handler may allocate more than a prorata share of such milk received to Class II.

9. In § 961.3 (c) (4) change the figure "400 miles" to "125 miles."

10. In lieu of the provision in § 961.4 (c) (1), suspended on June 15, 1943, insert the following:

For purposes of this subparagraph the Class I milk disposed of from any plant located less than 31 miles from the City Hall in Philadelphia shall be considered to have been first, that milk received direct from producers' farms; second, that milk received from plants within 31 miles of the City Hall in Philadelphia; and then that milk which was shipped from the nearest plant 31 miles and farther from the City Hall in Philadelphia: *And provided*, That Class I milk moved directly from a plant at which milk is received from producers to a plant at which no milk is received from producers, both of which are outside the marketing area, and Class I milk distributed for fluid consumption from a plant at which milk is received from producers shall be allocated to the plant at which it is received from producers.

11. Delete § 961.4 (d).
 12. Delete § 961.8 (f).
 13. Add the following new sections:

§ 961.14 Emergency milk committee. Handlers and producers may select an "Emergency Milk Committee" for the purpose of supervising the purchase and allocation among handlers of emergency milk for all handlers desiring to purchase their emergency milk through a single importing agency. The market administrator may be a member of such committee and may act as chairman thereof. Notice of all meetings of the committee shall be given to the War Food Administrator and such representative or representatives as the War Food Administrator may designate shall be permitted to attend and take part in such meetings.

§ 961.15 Agents. The War Food Administrator may, by designation in writing, name any officer or employee of the United States or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 961.16 Liability. The liability of handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and the order, as amended, now in effect, may be procured

from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

THOMAS J. FLAVIN,
Assistant to the
War Food Administrator.

SEPTEMBER 15, 1943.

[F. R. Doc. 43-15048; Filed, September 15, 1943; 11:08 a. m.]

WAR PRODUCTION BOARD.

[Certificate 128]

POOLING OF HOPPER CARS USED IN CARBON BLACK TRANSPORTATION SERVICE

To the ATTORNEY GENERAL:

I submit herewith Special Order ODT R-6 issued by the Director of the Office of Defense Transportation, which directs the pooling of privately-owned covered hopper cars used in carbon black transportation service.¹

For the purposes of Section 12 of Public Law 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with

¹ *Supra.*

Special Order ODT R-6 is requisite to the prosecution of the war.

Dated: September 10, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-15050; Filed, September 15, 1943; 11:44 a. m.]

[Certificate 129]

JOINT ACTION PLAN FOR DAIRY PRODUCTS DISTRIBUTORS IN STARK COUNTY, OHIO

To the ATTORNEY GENERAL:

I submit herewith a Recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Oberlin Dairy and others named therein with respect to the transportation and delivery of dairy products by motor vehicle in Stark County, Ohio.¹

For the purposes of Section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with

Dated: September 10, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-15051; Filed, September 15, 1943; 11:44 a. m.]